
Colorado Environmental Performance Partnership Agreement FY2011-2012

FY 2012 Update

October 2011

**Colorado Department of Public Health & Environment
U.S. Environmental Protection Agency Region 8**



APPROVALS

By signing this FY 2012 Update to the FY 2011-2012 Colorado Performance Partnership Agreement (CEPPA), the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA) Region 8 jointly agree to continue the National Environmental Performance Partnership System for the next federal fiscal year beginning on October 1, 2011 and continuing through September 30, 2012. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2011 under the terms of the CDPHE Environmental Performance Partnership Grant. In return, the CDPHE will expend the federal resources to carry out the environmental programs described herein for a one-year period. EPA Region 8 also agrees to carry out its roles and work as defined in the updated agreement and work plans for a one-year period.

U.S. Environmental Protection Agency
Region 8

Colorado Department of Public Health
and Environment

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TABLE OF CONTENTS

APPROVALS.....	1
Chapter 1 INTRODUCTION AND OVERVIEW TO THE ROLES OF EPA AND CDPHE.....	4
1.1 Background.....	4
1.2 Purpose.....	5
1.3 Scope.....	5
1.4 Relationship Between EPA and CDPHE.....	5
1.5 Environmental Protection Agency Role.....	5
1.6 CDPHE Role in the CEPPA.....	7
1.7 Environmental Conditions in Colorado.....	8
1.8 Description of Environmental Programs.....	10
Chapter 2 STRATEGIC DIRECTION AND PRIORITIES.....	13
2.1 Strategic Directions.....	13
2.1.1 Mission Statement.....	13
2.1.2 Vision Statement.....	13
2.2 Priorities.....	13
2.2.1 Compliance Assurance and Enforcement.....	13
2.2.2 Community-Based Environmental Protection.....	14
2.2.3 Other Priorities.....	15
2.3 Core Values.....	15
2.4 Strategic Investments and Innovations.....	15
2.4.1 Investing in Innovation.....	15
2.4.2 Creating a Work Environment to Support Innovation.....	15
2.4.3 Mainstreaming Innovation into Agency Processes.....	16
2.4.4 Strategic Resource Investments and Divestments to Support Innovation.....	16
2.4.5 Measuring Innovative Work.....	16
2.5 Environmental Information Management.....	16
2.5.1 National Environmental Information Exchange Network.....	16
2.5.2 Environmental Site Profiler (formerly EcoMap/EcoQuery) Project.....	17
2.5.3 Infrastructure Development.....	17
2.5.4 Records Management System.....	17
Chapter 3 DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY.....	18
3.1 Overview.....	18
3.2 Structure.....	18
3.3 Program Area Objectives and Goals.....	19
3.3.1 Sustainability Program.....	19
3.3.2 Environmental Agriculture Program.....	22
3.3.3 Additional Environmental Programs.....	22
Division of Environmental Health and Sustainability FY 2011- 2012 Updated Work Plan.....	24
Chapter 4 AIR POLLUTION CONTROL DIVISION.....	42
4.1 Overview.....	42
4.2 Mission.....	42
4.2.1 Mandates and Strategic Policy Directions.....	42
4.3 Air Division's Major Goals – State-wide.....	42
4.4 Organizational Structure of the Air Division.....	46
4.5 Air Division Program – FY2011- 2012 Updated Workplan.....	47
Goal 4.1: Achieve a level of air quality that protects and preserves human health.....	47
Goal 4.2: Achieve levels of air quality in Colorado that protects the integrity of the natural ecosystem.....	58
Goal 4.3: Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors.....	60
Chapter 5 WATER QUALITY CONTROL DIVISION.....	64
5.1 Mission.....	64
5.2 Clean Water Act Program.....	64
5.3 Safe Drinking Water Act Program.....	64
5.4 Water Quality Control Division – Organizational Structure.....	64
5.5 Water Quality Control Division Challenges for FY 2011-2012.....	65
5.5.1 The Regulated Community.....	65
5.5.2 Resource Needs for the Division.....	66
Water Quality Control Division FY2011- 2012 Updated Workplan.....	66
Chapter 6 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION.....	100
6.1 Organization and Programs.....	100
6.2 Successes Under the CEPPA.....	101
6.3 Cross-Cutting Themes.....	102
6.3.1 Customer service.....	102
6.3.2 Compliance Assistance and Assurance.....	102
6.3.3 Pollution Prevention.....	103
6.3.4 Community-Based Environmental Protection.....	103
6.4 Goals and Objectives for this FY2011 and FY 2012 CEPPA.....	103
6.4.1 Hazardous Waste Program Goals.....	103
6.4.2 Voluntary Cleanup and Redevelopment Goals.....	104

6.4.3	Radiation Program Goals.....	104
6.5	Summary of Program Assessment Process	105
6.5.1	Hazardous Waste Program.....	105
6.5.2	Solid Waste Program.....	105
6.5.3	Voluntary Cleanup and Redevelopment Program	105
6.5.4	Radiation Programs – State Indoor Radon Grant	105
6.6	Environmental Indicators	105
6.7	Accountability	106
6.8	Hazardous Materials and Waste Management Division FY2011- 2012 Updated Work Plan.....	107
6.8.1	Hazardous Waste Work Program	107
6.8.3	Voluntary Cleanup and Re-development Program.....	124
6.8.4	State Indoor Radon Grant	125
Chapter 7	FISCAL AND GRANT CONSIDERATIONS.....	127
7.1	Introduction	127
7.2	Background.....	127
7.3	Revenue Sources and Resource Allocations.....	127
7.4	Financial Management and Reporting.....	128
Chapter 8	OVERSIGHT & ASSESSMENT.....	130
8.1	Background	130
8.2	Federal Oversight Under the National Partnership System	131
8.3	Types of Oversight	131
8.4	Evaluation Plan: Annual Base Program-wide Review	132

Chapter 1 INTRODUCTION AND OVERVIEW TO THE ROLES OF EPA AND CDPHE

1.1 Background

The Colorado Environmental Performance Partnership Agreement (CEPPA) is an agreement that identifies and explains the key environmental priorities and goals in the State of Colorado, and the working relationship between the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA). The FY 2011 and FY 2012 CEPPA continues the pattern established in the previous agreements, to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The NEPPS provides a framework for delineation of CDPHE and EPA roles in carrying out environmental laws in each state. It allows Colorado to identify key state priorities, allocate federal resources to the highest state priorities and have some flexibility in finding ways to achieve mutually agreed upon goals. The EPA seeks to work jointly with the state to find the most effective ways to achieve national standards and goals while meeting state environmental priorities.

While the FY 2011 and FY 2012 CEPPA represents a two year agreement, CDPHE and EPA Region 8 conduct an annual review to address modifications and consider new priorities, goals and objectives. This FY 2012 Update to the CEPPA is a product of this annual review process. As a result, environmental program workplans have been updated to reflect changes in priorities and objectives for FY 2012.

This has been another strong, yet challenging, year for Colorado's environmental programs. Despite resource limitations, CDPHE continues to pursue its mission of protecting and improving Colorado's environment through performance-based programs. In support of this mission, CDPHE continues to implement and enhance its cross-media enforcement program, Mercury Program, Environmental Problem Solving, indicators program, greening government for state agencies, integrated data effort and cross media compliance assistance efforts. CDPHE is seen as a leader in innovations for state regulatory agencies through such programs as the pollution prevention program, the cross-cutting agriculture program, and the pharmaceutical take-back program. We continue to see the Environmental Leadership Program expand in scope and membership.

Colorado's air quality monitoring for 2010 (most recent year for valid data) has generally continued to improve. In terms of the attainment and maintenance plans for particulate matter (PM₁₀) and Carbon Monoxide, all maintenance plans are now approved and all nonattainment areas are now designated attainment. A number of Plan amendments will be prepared during this PPA cycle. The Denver Metro/North Front Range area has been nonattainment for ozone since 2007. Colorado was developing a SIP revision to meet what was anticipated to be a new ozone standard that EPA was scheduled to adopt in 2011. Since EPA has postponed this decision until 2013, Colorado now awaits further guidance from EPA with respect to preparing a SIP that will meet the 2008 standard.

Based on preliminary data from the 2011 ozone season, four monitors in the Denver Metro/North Front Range area are out of compliance with the 2008 .075 ppm 8-hour standard. Six new ozone monitors have been installed since 2007 in Colorado and the APCD will continue to closely analyze ozone levels for compliance with EPA's ozone standard.

The Water Quality Control Division has developed a Strategic Plan for 2009-2012 outlining the Division's mission, vision, values and strategic goals. The Drinking Water and Clean Water Programs have also developed work/action plans that clearly align the efforts of staff with the goals of the Strategic Plan. The strategic plan will be adjusted, as necessary, to reflect the Department's strategic priorities and the Division's strategic plan will be extended through 2015. The Division has also worked with EPA on setting common priorities and the two agencies have reached agreement on adjustments to the FY 2011 version that will free up time for the Division to develop or revise business processes. The two agencies have also agreed on a work sharing arrangement to begin to address joint priorities. The Division will collect data to quantify progress towards achieving targeted results in FY 2012. The Division continues to pursue resources to enhance its ability to meet goals and discussions with stakeholders to gain support for a fee increase to provide additional FTE will take place in FY 2012.

The Division has revamped its inspection planning process to address a wider spectrum of discharging facilities.

In the waste management area, significant progress continued in the cleanup of high priority RCRA corrective action sites. Colorado continues to exceed EPA national goals for environmental indicators for this universe. EPA and CDPHE continue to make progress toward completion of cleanup on the 23 Superfund sites in the state. In 2011, using funding from the American Recovery and Reinvestment Act, CDPHE completed the construction of a new water treatment plant at the Summitville Mine site, bringing the site to construction completion. At the Rocky Mountain Arsenal, cleanup activities are

CEPPA FY2012 Update

substantially complete, and we are working on long term monitoring for groundwater contamination and assuring the future protectiveness of the components of the surface remedy .

1.2 Purpose

The Colorado Environmental Performance Partnership Agreement serves several purposes.

- It identifies the roles of and the relationship between EPA and the environmental programs of CDPHE.
- It identifies the major CDPHE management framework to address environmental problems in Colorado. The document describes the priority goals, objectives and key initiatives to address the problems, and establishes the environmental indicators and performance measure to evaluate progress.
- It is the document that defines Colorado's set of program commitments for which federal resources are made available to CDPHE to manage environmental programs. It constitutes the full program plan for the CDPHE environmental Performance Partnership Grant (PPG) to CDPHE and will be used to evaluate the success of the PPG.
- The CEPPA seeks to enhance public involvement regarding environmental issues and priorities in the state.

1.3 Scope

The CEPPA addresses the environmental programs within CDPHE with emphasis on those that receive funding from EPA. The CEPPA delineates those programs and activities that are grant commitments in Chapters 2 through 8. In addition, this CEPPA describes a number of programs and activities which are either not funded by or not required by federal law to be included in the Agreement. These are included to demonstrate the comprehensive and integrated approach to managing these programs that is in place, and to enhance communications with stakeholders and the public. The fact that programs are described in this document that are neither funded nor mandated by EPA, does not translate into federal control of these programs if it would not otherwise exist.

The current CEPPA specifically describes the work commitments to be completed during the work plan period of FY 2011 and FY 2012 (October 1, 2010 through September 30, 2012). This FY2012 Update addresses changes in priorities and objectives occurring since its development. The CEPPA is intended to provide a working framework for the agencies that incorporates existing Memorandums of Agreement, delegations and enforcement agreements but does not supersede them. CDPHE will maintain the core programs required by federal and state statutes and rules, and reflected in program authorizations and other formal agreements. In addition, the core program requirements also relate to the maintenance of regional and national databases associated with the environmental health programs and the development of Quality Assurance Project Plans for specific program activities like monitoring or remediation. CDPHE will fulfill the data entry, quality assurance and data validation requirements and will perform timely and complete updating of information by state and EPA staff and managers.

To provide a comprehensive description of the environmental efforts throughout the state, the CEPPA also includes EPA efforts to support CDPHE environmental programs and to carry out federal responsibilities. In some instances, EPA works with other state agencies in Colorado to carry out activities. The information provided on these activities with other agencies is only descriptive and should in no way imply a commitment on the part of those agencies or CDPHE. Nonetheless, CDPHE will coordinate with both EPA and other state agencies to address environmental problems. Where appropriate, CDPHE also will work closely with other state agencies, cities and county agencies to implement many of the programs described in this agreement.

1.4 Relationship Between EPA and CDPHE

There is a long-standing relationship between EPA and CDPHE to protect public health and the environment in Colorado. The federal system of government, through a series of environmental statutes, delineates specific roles for federal and state agencies in the development and implementation of programs for protection of public health and the environment. Different statutes require different roles. For example, some programs established by federal legislation may be delegated to state agencies with requisite authority, resources and capability. Other programs cannot be delegated under federal law, like the federal Superfund program. Other environmental programs or initiatives have been developed at the state level independent of federal authorities. In addition, there are other initiatives that both agencies agree result in increased environmental protection in an efficient and cost effective manner. Often, CDPHE and EPA play significant roles in these efforts and work to coordinate their approaches in Colorado.

1.5 Environmental Protection Agency Role

Under most of the programs covered by the CEPPA, the U.S. Congress gave EPA the initial responsibility for development and implementation. Many of these statutes also contain Congressional preference for delegation of the program to the states

when states demonstrate capacity to carry them out. The federal resources for program development and management are given to EPA annually by Congress. EPA has developed various mechanisms for implementation of the programs in partnership with the states. Given the evolving nature of this partnership, there will continue to be coordinated planning and priority setting between EPA and Colorado. These joint activities will occur as part of the development of future partnership agreements and on a more long-term, strategic basis.

FEDERAL-ONLY ACTIVITY In some cases, implementation of environmental programs is primarily a federal role. Some examples include non-delegated programs, certain Indian Country issues and interstate problems. Even so, many of these activities require support and activity by CDPHE. One example is the Emergency Planning and Community Right-to-Know Act program that is directly implemented by EPA, but relies heavily on state information and data.

DEVELOPMENT OF NATIONAL PROGRAM STRUCTURE AND STANDARDS EPA is responsible, through its statutory management and rule-making authority, for determining the federal management structure for the program and minimum national standards. For many environmental programs, national standards have been set for the country. EPA must ensure that the efforts of all states are used to achieve baseline environmental quality throughout the country and require that states adhere to a minimum set of national environmental standards. In addition, EPA facilitates resolution of interstate issues. Federal activity is geared to monitor consistency, national trends and federal initiatives when standards are not met.

RESEARCH AND DEVELOPMENT Often, the standards and guidance, which are developed by EPA, are the result of research and development, which it has undertaken and/or funded. Development and testing of innovative technologies and similar initiatives are valuable components of many environmental programs.

ASSISTANCE TO CDPHE EPA often provides technical assistance that may not be available to a particular state program. For example, EPA assists in building state capability to implement federal environmental programs by providing clear statements of policy and guidance, and delivering assistance and training on new regulations and national priorities. Additionally, EPA will assist CDPHE when requested, by providing technical information from other states, reviewing proposed engineering treatment processes, researching data, conducting risk assessments and facilitating peer review and peer matching. For EPA activities that will not require a major commitment of federal resources, EPA personnel will be available on an ongoing basis. For activities that will require a major commitment of EPA resources, that role will be described in the program-specific tables and work plans in the later chapters of this CEPPA.

ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE EPA performs essential enforcement and compliance assurance functions in order to ensure the protection of public health and the environment, and to assure that polluters do not gain a competitive advantage over those regulated entities that comply with federal environmental regulations.

The core EPA functions include: setting national priorities, monitoring compliance on a national basis, assuring national consistency in the implementation and enforcement of federal environmental requirements, taking enforcement actions against regulated entities with significant noncompliance at facilities in several states or against sources where releases to the environment threaten the health or environment of another state or country, or where states do not address particular violations, EPA offers incentives for violators to come into and remain in compliance, conducting compliance assistance for high-priority sectors and federally-implemented program and evaluating state performance.

For national programs that are not delegated to the state and for new regulations and policies, EPA will perform compliance assurance activities such as the development of compliance assistance materials and services tailored to promote compliance within high priority sectors. It will address compliance problems in federally implemented programs, and publicize and explain new regulatory requirements. In delegated programs, such materials and services should be delivered by the state.

EPA will promote environmental compliance and pollution prevention in the federal sector through enforcement, technical and compliance assistance activities. Careful administration of compliance assistance, pollution prevention, and enforcement will be directed toward the overall goal of achieving increased compliance and reducing risk in all priority areas. EPA and CDPHE agree to follow the State Review Framework elements one through thirteen in reviewing and assessing state compliance activities and programs. The review will be done once every three years beginning in FY 2007 for programs determined to be adequate, the next review occurring in FY 2010.

RESOURCES In addition to the programmatic and technical assistance provided, many of the programs covered by this CEPPA are partially funded by federal grants administered by EPA. EPA is accountable to Congress for the expenditure of these resources consistent with federal law and grant agreements.

SPECIAL PROJECTS/INITIATIVES The President, the Administrator of the EPA, or the Regional Administrator may identify particular initiatives or projects, which are a high priority. EPA works with state agencies and others to implement projects or initiatives that the state is interested in pursuing.

CROSS-CUTTING INITIATIVES The EPA Region 8 office will be working with EPA Headquarters, the state and local communities in several cross-cutting areas. EPA has identified a number of cross-cutting areas within its strategic themes. These themes include energy, agriculture, revitalization, mercury and ensuring adequate investment in state capacity. Other cross-cutting areas include ecosystem protection, pollution prevention, reinventing environmental management, environmental management systems, environmental justice, environmental accountability, partnerships and strong science and data. Cross-cutting activities found within these themes include community-based environmental protection, industrial sector compliance activities, integrated environmental data systems and funding to achieve equitable environmental results.

VERIFICATION OF STATE PERFORMANCE (OVERSIGHT) EPA works jointly with the state to set forth the procedures for reviewing state and EPA accomplishments and issues annually and at the end of the two-year PPA cycle, grant reporting requirements, and other assessments. Through the assessment process, EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in the current PPA and plan for future efforts. EPA is ultimately responsible for ensuring that grant requirements, including program commitments, have been met.

In cases where EPA delegates implementation authority for environmental programs to a state, it must also ensure that the state meets the requirements of the delegation. This distinct oversight role is necessary for EPA to carry out its unique federal responsibilities as reflected in the items above. EPA will review CDPHE performance and evaluate it against national environmental statutes, regulations and pertinent fiscal/grant requirements (see Chapters 7 and 8: Fiscal and Oversight Chapters).

In instances of effective state performance, the EPA oversight role lessens. In instances of less than satisfactory performance, the EPA oversight role increases. In both scenarios, EPA must ensure compliance with environmental laws and determine its level of activity accordingly.

1.6 CDPHE Role in the CEPPA

For the majority of programs covered by this CEPPA, CDPHE is the primary implementing agency. Some of the roles described above have parallels at the local level.

DEVELOPMENT OF STATE PROGRAM STRUCTURE AND STANDARDS Colorado is responsible through its statutory and regulatory authority to determine the state management structure for the program. In addition, the state adopts its standards through the Colorado Administrative Procedures Act and requirements of implementing statutes. This is done through the various state commissions or boards: the Air Quality Control Commission, Water Quality Control Commission, Solid and Hazardous Waste Commission, and Colorado Board of Health. CDPHE also received advice on sustainability, pollution prevention and leadership from the Governor-appointed Pollution Prevention Advisory Board.

RESEARCH AND DEVELOPMENT The state also may participate in research and development efforts relevant to its environmental programs.

PROGRAMMATIC AND TECHNICAL ASSISTANCE Due to the maturity of many of the programs described in this CEPPA, the state sometimes provides programmatic and technical assistance to EPA. This is often done through agreements under which the state undertakes lead responsibility for particular projects or activities for which EPA is primarily responsible.

RESOURCES CDPHE commits state financial resources to nearly all of the programs and activities described in this CEPPA.

SPECIAL PROJECTS/INITIATIVES CDPHE may also undertake particular projects or initiatives that are a high priority for the state. CDPHE works with EPA and others to implement those projects or initiatives.

DIRECT IMPLEMENTATION For most of the programs and activities described in this CEPPA, CDPHE directly implements the program or activity. CDPHE will undertake the work when a program is not authorized by federal law. As CDPHE and EPA develop their priorities, CDPHE may identify priority work that EPA cannot or will not undertake. CDPHE may then choose to do this work. Local health departments also directly implement a number of programs and activities and some reference is made to these in this CEPPA.

COMPLIANCE ASSURANCE AND ENFORCEMENT The State of Colorado has sufficient authority under state statute to perform essential compliance assurance and enforcement functions in order to ensure the protection of public health and the environment and to assure that polluters do not gain a competitive advantage over those entities that must meet state regulatory requirements.

1.7 Environmental Conditions in Colorado

This CEPPA is founded, in part, upon the current understanding of environmental conditions in Colorado. The CEPPA includes goals and objectives to address identified health and environmental problems in the state, particularly as they relate to the established roles and responsibilities of the participating agencies.

Sustainability - Colorado is and will be facing many challenges as the state continues to grow economically. As the population increases, the state will continue to be challenged to sustain the quality of life, environment and ecosystems which is one of the main reasons people want to live and work in Colorado. CDPHE continues to strive towards creating a Sustainable Colorado through its programs, partnerships, and activities. CDPHE is enhancing its ability to collect and report information to the public on how the department activities are resulting in direct benefits to the quality of life, environment, and ecosystems in Colorado. Succeeding in creating a sustainable Colorado through improving, protecting and preserving Colorado's quality of life, environment and ecosystems will require CDPHE to develop and implement new and more effective tools and approaches.

Colorado regulated entities in many sectors are striving towards becoming environmental leaders and achieving an even greater commitment to community. We welcomed a number of new members to and expanded the scope of the State of Colorado Environmental Leadership Program and continue to work with other businesses, governmental agencies and communities to enhance and grow the program. Prevention of pollution has been the State pollution control tool of choice since 1992 and the incorporation of pollution prevention into state regulations, compliance assistance, enforcement and permitting activities continues to grow. Prevention of pollution has effectively saved companies money, reduced risk and improved the environment and quality of life in Colorado. The environmental improvements described below are in part due to prevention. Reported toxics in the state are on the decline, primarily as a result of pollution prevention. CDPHE is assisting the Governor's Energy Office in implementing Greening Government initiatives at all state agencies.

Air Quality - Colorado air quality has improved since air pollution monitoring began in the 1970s. When federal air quality standards first were instituted in 1970, Denver's air in winter exceeded the standards on over seventy days. To correct this, the Air Quality Control Commission (AQCC) designated areas where Ambient Standards were being violated as non-attainment. For these areas, the AQCC approved control plans (State Implementation Plans) to reduce pollutant levels below the standard.

By 2002, Colorado had accomplished a milestone that had seemed impossible in the 1970s. In 2002, EPA redesignated the entire State of Colorado as "in attainment/maintenance." Colorado was the first state in the nation to be violation free and to achieve this designation. Credit for this achievement should go to those who helped make it occur, including:

- Automobile manufacturers who improved the emissions control systems on their vehicles to meet the high standards set by regulation;
- Businesses and industries that installed and maintained emissions control equipment;
- Homeowners who have cooperated with residential burning control programs;
- Those who have participated in voluntary programs to improve air quality; and,
- Municipalities and agencies that have reduced road sanding and improved street sweeping.

Denver Metropolitan Area Air Quality -

For several years the Denver metropolitan area had not violated any EPA standards for the criteria pollutants. However, during the period of 2005 through 2007, ground-level ozone readings did violate the EPA 0.08 ppm 8-hour ozone standard at the Rocky Flats site. In 2008, the EPA lowered the 8-hour ozone standard to 0.075 ppm. This has resulted in a number of sites in the Denver Metro/North Front Range area to be in violation of the 2008 ozone standard.

No violations of the coarse particle (PM10) standard have occurred since 1993. PM10 can reduce lung function and cause respiratory problems. In the Denver area most PM10 is caused by dust from roads. Particulate concentrations have been reduced through increased street sweeping and the use of alternative deicers as a substitute for road sanding.

Exceedances of the federal health-based fine particle (PM2.5) standard have occurred since monitoring began. The vast majority of these particles are generated from motor vehicle exhaust, power plants and wood burning. The particles can be inhaled deeply into the lungs and can cause damage to the respiratory system. Fine particles also degrade visibility and largely are responsible for the "Brown Cloud."

Visibility, an aesthetic air quality value, will continue to be a concern along the Front Range. Colorado monitors for visibility in Denver. In May, 2011 Colorado submitted its Regional Haze SIP revision which addressed the impairment of visibility in the Class I areas in the state. This SIP included significant reductions in visible pollutants. These included

reductions stemming from the adoption of requirements pursuant to the Clean Air/Clean Jobs Act of 2010, which will result in the retirement of, the fuel switch to natural gas at, or the installation of significant post-combustion emission controls at, several front-range coal-fired power plants.

Water Quality - Based on data compiled for the 2010 Integrated Report, approximately 50,000 river miles met the federal Clean Water Act “swimmable” goal, and over 39,000 river miles met the Act’s “fishable” goal. Of the river miles assessed, 1,700 miles did not meet the “swimmable” goal and about 10,000 miles did not meet the “fishable” goal. For lakes a total of 47,000 acres met the “fishable” goal, with 122,000 acres meeting the “swimmable” goal. Approximately 78,000 lake acres failed to achieve the “fishable” goal and 1,500 acres did not meet the “swimmable” goal.

Potential public health problems of concern to the Colorado Clean Water Program include: chemical and pathogenic contamination of source waters used for public water supplies and gastrointestinal illnesses and other health problems (e.g., dermatitis, eye infections) that may result from water-based recreation in waters where standards are not attained.

Environmental problems of concern in surface waters include waters listed as impaired for pollutants, principally those listed for: metals, that are largely located in areas of historic but largely abandoned mining activity; selenium in the Colorado and Arkansas River Basins; dredge and fill activities that could impair aquatic habitat; and non-point source runoff that may adversely impact in-stream uses. There continue to be concerns over the impact of water quality on aquatic habitat conditions in the Lower South Platte, Arkansas and Colorado Rivers and over the decline of Colorado native fishes in certain identified segments.

Ground water quality in Colorado ranges from excellent in mountain areas where snowfall is heavy and development is sparse to poor in certain alluvial aquifers of major rivers where surface and ground water are used and reused. Shallow, unconfined aquifers in Colorado are susceptible to contamination from surface activities. Many have become contaminated, especially with nitrates and salts, from agricultural activities and from urban development, particularly along the South Platte downstream from Denver. Rapid development in mountainous areas located on top of fractured crystalline rock and in alluvial valleys has increased the threat of high levels of nitrates and pathogens in ground water from the use of individual septic disposal systems. Deeper bedrock aquifers tend to show higher levels of natural constituents but lower levels of surface contaminants, especially if the aquifers are confined.

Drinking Water - There are approximately 2,048 active public water systems operating in Colorado. On average, 8% of public water systems in Colorado are in violation of health-based regulations each year, affecting about 4% of the population served. On average, about 673 systems fail to monitor and/or report for one or more contaminant as required by the *Colorado Primary Drinking Water Regulations*. The number of systems that fail to monitor and/or report each year has risen as new monitoring requirements are established. Monitoring results reported by public water systems indicate that the most common contaminants causing violations of drinking water regulations in Colorado are: microbiological as measured by total coliform, nitrate, turbidity, radionuclides, arsenic, fluoride and selenium, while the most common violation in general is failure to monitor/report. Surface water, including groundwater-under-the-influence-of-surface water, is used by 26% of Colorado public water systems and provide drinking water to 87% of the population served. Ground water is used by 74% of the water systems but provide drinking water to only about 13% of the population served. In some localities, ground water is the sole source of drinking water. From an environmental standpoint, disposal of contaminated residuals from water treatment facilities, particularly for those removing radionuclides, is an emerging concern.

Hazardous Materials and Waste - The priorities and work commitments of the Hazardous Materials and Waste Management Division (HMWMD) reflect and respond to several basic environmental and programmatic areas.

The first priority is waste prevention. If waste is never generated, then waste management issues and potential contamination issues resulting from the waste also never occur. The HMWMD strategy for waste prevention is to utilize the concepts of waste minimization and pollution prevention. In both the solid and hazardous waste arenas, the HMWMD emphasizes the use of technical assistance and resource/educational materials to increase the awareness and understanding of these concepts across the State.

In addition, information disseminated during inspections encourages effective waste management practices within the regulated community. The use of waste minimization and pollution prevention-based Supplemental Environmental Projects as a frequent part of enforcement actions has emphasized the importance of these concepts. The results of the HMWMD waste prevention and minimization efforts can be demonstrated by a downward trend in the amount of waste generated by many Colorado businesses and the downward trend in the number of hazardous waste generators in the state.

A second priority area is compliance assistance and assurance. Activities in these areas form the basis of the traditional work effort of HMWMD each year. The division is dedicated to: the adoption of reasonable regulations and guidelines that safeguard the environment and public health; outreach to the regulated community and the public to assure awareness and understanding of such requirements; and routine inspections that evaluate compliance at a significant percentage of the regulated facilities each year and concerted efforts to achieve timely compliance and corrective action. In addition, at sites

where the improper disposal of wastes or chemical spills may impact the environment or place the safety and health of the citizen in question, HMWMD is focused on achieving rapid stabilization, and environmentally sound and cost-effective clean-ups.

The third priority is protection. In many cases, the HMWMD must respond to contamination that is already present in the environment, and that poses a current or potential risk to human health. A majority of the HMWMD work is in the Superfund, Hazardous Waste Corrective Action, Voluntary Cleanup and Federal Facilities Programs. The work involves design and execution of cleanup projects that are protective of human health.

The status and use of environmental indicators as program benchmarks has been under continual development and refinement at CDPHE. The CDPHE and EPA intend to determine whether and how an improved assessment of environmental conditions can be made.

1.8 Description of Environmental Programs

Each of the environmental divisions of CDPHE has described their organization in detail and defines new organizational relations for the environmental programs listed. A listing of these programs is included here to emphasize the breadth of the efforts that are part of the CEPPA. Of the programs listed many are funded, in whole or in part, through the grant provided under this CEPPA. The environmental programs administered by each of the CDPHE environmental divisions are shown in the following table.

Colorado Department of Public Health and Environment Office of Environmental Programs

Hazardous Materials and Waste Management Division and Consumer Protection Division	Air Pollution Control Division	Division of Environmental Health and Sustainability	Water Quality Control Division
Solid and Hazardous Waste Program Remediation Program Radiation Control Program Radon Program High School Chemistry Labs	Policy and Planning Program Mobile Sources Program Stationary Sources Program Indoor Environments Program Technical Services Program Administrative Program	Pollution Prevention Program Environmental Leadership Program Environmental Justice Greening Government Self-Audit Law Program TRI/SARA Programs Environmental Agriculture Program Small Business Ombudsman Recycling Grants Program Pharmaceuticals in the Environment and other Emerging Contaminants Supplemental Environmental Projects	Water Pollution Control Program Permits Section Safe Drinking Water Program Compliance Assurance Section Engineering Section Capacity Building Unit Watershed Program Environmental Data Unit Standards Unit Restoration & Protection Unit Operations Program Financial Solutions Unit Business Data Services Unit Fiscal Services and Support Unit

Cross Media Programs or Activities

Cross Media Enforcement	Cross Media Compliance Assistance	Cross Media Permitting	Cross Media Regulatory
Policy development Supplemental environmental projects Cross media inspections Municipal Policy	Sector-based cross media assistance Provide coordination, communication and training Workshop coordination Resource Conservation	Environmental Management System Environmental Results Program / SCORE Pollution prevention in permitting	Environmental Management System Permit regulation Housed commercial swine feeding operations

Small business referral program Cross media impacts Self-Audit Program: ERP/SCORE Inspector training	Challenge Stormwater Excellence Program	Electronic permitting Permitting by rule General permits	Pollution prevention in regulations High school chemistry labs
Environmental Problem Solving	Internal Environmental Management System	Indicators and Outcomes	Strategic Planning / PPA
Mercury Program Pharmaceuticals in the Environment	Policy development Aspects / impacts Project completion Measurement Education / awareness	Development Implementation Measurement Analysis / reassessment Review / modify	Region 8 Strategic Planning Effort State Review Framework

This chapter describes the strategic direction, goals, objectives and priorities of CDPHE for the next two years. The chapter also includes a discussion on CDPHE use of indicators to inform policy decisions and allocate resources. Finally, the chapter includes an agreement between CDPHE and EPA Region 8 on the development, implementation and review of innovations in Colorado.

2.1 Strategic Directions

Over the next 10 years, it is estimated the state's population will grow from 5 million to 6.5 million and at the same time the percentage of senior citizens will increase. To be successful in its work, CDPHE must anticipate and be prepared for the demands of changing population demographics, as well as impacts from climate change and emerging health issues/diseases.

CDPHE must be poised to anticipate, respond to and oversee new and existing environmental challenges, such as expanding energy development, ozone, climate change, stresses on clean water, drinking water compliance, legacy mining, milling and industrial operations and public health and environmental emergencies. To help meet the numerous challenges CDPHE faces in protecting the health of the state's environment and its people, CDPHE adopted a strategic plan in 2007. CDPHE is currently preparing a new strategic plan to respond to existing and new challenges in an era of a weak economy and limited resources. While the Mission and Vision of CDPHE remain the same, CDPHE will be developing new objectives and work plans. CDPHE will share its new strategic plan once it is finalized.

2.1.1 Mission Statement

The mission of the Colorado Department of Public Health and Environment is to protect and improve the health of Colorado's people and the quality of its environment.

2.1.2 Vision Statement

Colorado will be the healthiest state with the highest quality environment.

The department will continue to work closely with our local public health and environmental health partners to make Colorado the healthiest place to live, as well as a place that offers its residents and visitors the highest quality environment. The department will serve as the recognized leader that sets the agenda for public health and environmental quality in the state. The Colorado Department of Public Health and Environment will be a model of efficiency in governmental processes by using creative and innovative means to achieve desired health and environmental improvements.

2.2 Priorities

The following remain areas that CDPHE will focus on in FY 2011 and FY 2012:

2.2.1 Compliance Assurance and Enforcement

CDPHE's compliance assurance and enforcement program is responsible for statewide environmental enforcement of environmental laws and includes compliance assistance and education for sources. CDPHE and EPA Region 8 believe that a compliance assurance program, which respects state primacy in delegated programs and incorporates strong enforcement components, is crucial for successful environmental protection. CDPHE will continue to promote a strong, integrated and strategic compliance assurance program.

The function of compliance assurance and enforcement is located throughout various programs within the air, water, waste and environmental health and sustainability divisions. Compliance assurance activities include: environmental education; civil enforcement investigations and actions; investigation of environmental crimes (i.e., abandoned drums and waste tires and illegal dredge and fill activities); responding to environmental disasters; hazardous material incidents; and spills that threaten the environment. Integral to this program is CDPHE's commitment to educate sources and residents on environmental laws as well as to take enforcement actions as appropriate.

The key elements of CDPHE's compliance and enforcement monitoring program include:

- Inspection and compliance monitoring programs at the state and federal levels that adequately identify significant noncompliance.
- Maintaining a sufficient, qualified inspector field presence to effectively encourage regulated entities to comply with environmental laws and regulations.

- Adequate investment in compliance assistance initiatives.
- CDPHE and EPA Region 8 are committed to maintaining and improving the capacity to adequately monitor compliance with environmental requirements. The authority and capacity to respond to noncompliance are crucial elements of a strong enforcement program.

The shared commitment of CDPHE and EPA Region 8 specific to compliance assurance and enforcement include:

- Coordination in inspections of priority areas and sectors.
- Timely determination whether the source represents a significant risk to human health and the environment.
- Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors.
- Timely and appropriate enforcement.
- Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance.
- Consideration of cross-media impacts in all areas of compliance assurance.
- Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts.
- Mutual respect of each agency's enforcement roles.
- Identification of sources that require less oversight.
- The need to focus on statutorily regulated sources that have not obtained required permits or submitted required notifications.
- Encouraging the inclusion of supplemental environmental projects in settlement agreements where appropriate.
- Changing behavior and motivating the regulated community to prevent pollution.

To be effective, CDPHE and EPA Region 8 agree that compliance and enforcement programs must be based upon requirements that are enforceable and include the following: continuous education of staff and sources (i.e., outreach efforts); ongoing monitoring and inspections to measure compliance; identification of violations in a comprehensive, consistent and timely manner; consistent responses to violations through compliance assurance and enforcement actions that require appropriate changes to achieve compliance, prevent and deter future noncompliance, promote going beyond compliance and compel remediation of any harm caused by noncompliance; clear articulation of local, state, and federal roles and responsibilities; commitment of adequate staff resources, guidance and training to compliance and enforcement; and a process to evaluate program results.

In FY 2011, for the water sector, the Water Quality Control Division and EPA Region 8 will be working together to implement the EPA Administrator's Clean Water Action Plan that lays out three priorities:

- Target compliance assurance resources to the most important water pollution problem
- Strengthen oversight of the states
- Improve transparency and accountability

This effort is in its initial stage of implementation and, for FY 2011, will principally involve the Water Quality Control Division and EPA Region 8 identifying priorities for deploying our respective resources and agreement on work sharing to achieve the greatest level of water quality protection/improvement. New approaches that will ultimately redefine the framework for prioritizing compliance and permitting actions will also be finalized in the fall and those will require more significant change to the EPA/state approach to permitting and compliance assurance.

2.2.2 Community-Based Environmental Protection

CDPHE and EPA Region 8 offices will be working to encourage community-based programs along with effective partnerships in several areas throughout Colorado. The community-based environmental protection concept promotes a "place-driven approach" rather than a "program-driven approach".

In addition, CDPHE will continue its commitment to community preservation. The divisions of the Office of Environmental Programs will provide a comprehensive array of resources for communities to access and utilize. Such examples as

Brownfields, grants to communities for water treatment facilities, pollution prevention grants, supplement environmental projects and air program grants will assist communities in meeting capacity, infrastructure and data needs. As CDPHE data capabilities expand, CDPHE will assist communities to better understand and respond to community problems and to assist in helping communities define their vision of a sustainable quality of life.

2.2.3 Other Priorities

CDPHE and EPA agree to the following priorities:

- Mitigating environmental impacts from energy development
- Improving air quality including attainment of national ozone standards
- Compliance with national drinking water standards

2.3 Core Values

As we move forward with the Strategic Plan, we will remain committed to CDPHE core values:

- More prevention and protection, less process
- Continual environmental improvement
- Customer service
- Innovation
- Enhanced and effective communications – internally and externally
- Employee satisfaction, motivation and appreciation
- Professional respect and courtesy

These core values will:

- Permeate the organization
- Drive decisions
- Be measured

2.4 Strategic Investments and Innovations

This section is the innovations agreement between CDPHE and EPA Region 8. The agreement sets forth the parameters both agencies agree to when developing, implementing and evaluating innovative programs and projects in Colorado.

2.4.1 Investing in Innovation

CDPHE and EPA Region 8 recognize the need for resource investments to develop new strategies and new ways of doing business in order to meet emerging environmental protection challenges. This includes both sustaining and improving critical core program work and investing in new strategies to address emerging challenges.

2.4.2 Creating a Work Environment to Support Innovation

CDPHE and EPA Region 8 management will proactively support the following key practices to create and sustain an innovative work environment:

- Encourage environmental problem solving and collaborative efforts to achieve environmental results;
- With management approval, reward experimentation that is intended to improve our programs and human health and the environment;
- Communicate to agency staff and external stakeholders the opportunities and challenges of the agencies' innovation projects;
- Communicate between CDPHE and Region 8 before situations become elevated;
- Allow sufficient time for innovations to evolve and to be appropriately evaluated;
- Place innovative programs and projects on equal par with established traditional core programs; and

- Ensure that the innovations are measured appropriately and fairly.

2.4.3 Mainstreaming Innovation into Agency Processes

CDPHE and EPA Region 8 are committed to fully integrating innovation projects into the planning, resource allocation and evaluation processes of each agency and expressly as part of the agencies' CEPPA. With respect to the planning process, the agencies agree to take specific actions to foster innovations, including:

- Actively seek potential innovation projects and identify them as part of the ordinary program planning and CEPPA planning activities of CDPHE and EPA and agree upon resource allocations for these projects,
- Hold periodic meetings with staff to promote "bottom up" innovation and capacity building ideas, and
- Expressly incorporate planned innovation and capacity building projects into the agencies' annual plans, the CEPPA and related implementation plans.

2.4.4 Strategic Resource Investments and Divestments to Support Innovation

CDPHE and EPA agree that innovations require strategic resource investments and divestments. While maintaining support needed to fulfill core program functions, CDPHE and EPA will devote the necessary resources to fund and evaluate the innovations presented here.

2.4.5 Measuring Innovative Work

CDPHE and EPA are committed to measuring, evaluating, and learning from all innovation projects. To accomplish this, the agencies agree to the following:

- Each identified innovation will include a measurement and evaluation component;
- The agencies will strive to include environmental outcome measures whenever possible, but also may employ activity counts and other performance measures as appropriate; and

The agencies may support projects that require longer-term measures or the creation of new types of measurement approaches if easily attainable short-term measures are not readily available.

2.5 Environmental Information Management

CDPHE is committed to creating an information management environment that addresses and illuminates cross-media and program relationships, serves immediate and program-specific data needs and effectively protects public health and the environment in Colorado.

This initiative is led by the Environmental Information Manager who oversees all cross-divisional information system development for the environmental divisions. This position is the chair of the Environmental Information Group, which is made up of representatives from each of the environmental divisions. Currently, there are four major cross-divisional information system initiatives which are defined below:

2.5.1 National Environmental Information Exchange Network

CDPHE has had an operational Exchange Network Node since 2005. The list below gives the status of each of the priority data exchanges:

Phase I Exchange Network system exchanges

- WQX- The department is currently in the process of implementing this exchange and expects to have it in production by December 31st, 2011.
- SDWIS- The department was using the Exchange Network to transfer this information until technical issues forced submission via the older method. Given the changes that are occurring with SDWIS and the CDXweb there are no plans for reinstituting this exchange.
- UIC- The department is not delegated UIC authority and therefore has no plans to implement this exchange.
- Beach Notification - The department is not delegated Beach Notification authority and therefore has no plans to implement this exchange.
- NPDES-
 - ICIS-NPDES- The department does currently direct entry into the ICIS-NPDES system and therefore does not flow this information via the Exchange Network. Given the nature of our internal systems, it may be a

better approach to use the Network but no decision has been made at this time. The department is also interested in possible outbound services.

- Electronic DMR reporting-The department is in the process of implementing netDMR through EPA. Therefore, there is no need to use the Exchange Network to submit the DMR data to ICIS-NPDES.
- AQS- The department is planning moving to the AQS data exchange once Exchange Network grant funds become available. Therefore, the AQS data exchange should be in production by December 31st, 2012.
- EIS- The department is currently submitting data via the Exchange Network for this flow.
- RCRAInfo- The department primarily does direct entry into the RCRAInfo data system for all modules except Compliance Monitoring and Enforcement (CME). The CME Module exchange is currently under evaluation and will likely utilize the Exchange Network when the systems are ready. CDPHE is extremely interested in the outbound services from RCRAInfo.
- FRS- CDPHE has been exchanging FRS data since 2005. As part of the Environmental Site Profiler Project described below, the department will be implementing Facility 3.0 inbound and outbound services.
- TRI- The department is currently receiving the TRI data via the Exchange Network.

2.5.2 Environmental Site Profiler (formerly EcoMap/EcoQuery) Project

CDPHE continues to implement the Environmental Site Profiler (ESP) project. This system allows for the integration and reporting of facility and compliance information from across the divisions to both internal staff and the general public. The first phase of this project will include Facility information from the Solid and Hazardous Waste, Drinking Water, Clean Water, Air Stationary Sources and Toxic Release Inventory Programs and Compliance, Monitoring and Enforcement information for the Solid Waste, Drinking Water and Stationary Sources Program. The internal component of the system should be in production by December 31st, 2011 with the public component available sometime in calendar year 2012., As part of this project, the department will be implementing the Facility 3.0 data exchanges.

2.5.3 Infrastructure Development

CDPHE continues to develop cross-divisional software and hardware infrastructure to support division and department systems. This includes a system for on-line collaboration and workflow that has already improved efficiency and accuracy in the divisions.

2.5.4 Records Management System

CDPHE is currently implementing a system for management of its numerous physical and electronic records in Hazardous Materials, Air Quality and Water Quality. When implemented, this system will allow for quicker and more effective access to the divisions' records for both internal staff and the general public.

Chapter 3

DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY

3.1 Overview

The Office of Environmental Integration & Sustainability was integrated into the department's Consumer Protection Division effective July 1, 2010. As a part of this move, a business plan was created and the division was reorganized from a programmatic to a functional focus and renamed to the Division of Environmental Health and Sustainability (Division).

The Division is comprised of four work units, including the: 1) Direct Programs Implementation Unit; 2) Delegated Programs Unit; 3) Environmental Agriculture Program Unit; and, 4) Sustainability Program Unit. Each unit has a unit manager and at least one workgroup leader under the charge of the unit manager to oversee day-to-day programmatic functions.

The Division is responsible for a diverse array of environmental health responsibilities, many of which are not subject to oversight by EPA. Examples of the Division's work outside the purview of EPA include: monitoring food, milk, drugs and medical devices; regulating food preparation environments such as restaurants, food manufacturers and processing plants; ensuring safe and sanitary conditions at day care centers and correctional facilities; regulating, reviewing and investigating foods; consumer products and household substances; helping to control insects, rodents and other vectors of animal borne diseases; coordinating consumer protection activities with local, state and federal agencies; and assisting consumers with complaints. Functions within the Division that are included in the PPA are activities administered by the Division's Environmental Agriculture Program, the Sustainability Program and several additional environmental programs, including the Small Business Ombudsman, Environmental Justice, Oil & Gas Consultation and the School Chemical Hazards Inspection programs.

3.2 Structure

The principal functions of the Division of Environmental Health and Sustainability fall into the following categories:

Direct Implementation Unit*	Delegated Programs Unit*	Sustainability Unit	Environmental Agriculture Program Unit	Additional Environmental Programs
Wholesale Food & Recalled Product Coordination	Retail Survey, Standardization, Food Defense & Training Coordination	Pollution Prevention Program, including the Pollution Prevention Advisory Board	Animal Feeding Operation (AFO, CAFO and HCSFO) Programs	Energy Development (Oil & Gas Consultation)
Dairy Plant/Farms Coordination	Direct Service Compliance and Local Partners Coordination	Greening Government	Cross-Cutting Agriculture Sector Programs	Small Business Ombudsman**
Penal Institutions, Tanning & Body Art		Environmental Leadership Program		Environmental Justice**
		Supplemental Environmental Projects		
		Emerging Environmental Issues, including Cross-Media Sector Initiatives		

		SARA Programs		
		Self Audit Law		
		EMS Permit Program		
		Grant Programs, including Waste Tires and Recycling Programs		

* The units do not administer programs under the purview of EPA authority.

** Programs under the supervision of the Environmental Agriculture Program Unit Manager.

3.3 Program Area Objectives and Goals

3.3.1 Sustainability Program

The Sustainability Program strives to assure that environmental protection efforts will achieve a sustainable future for Colorado's natural environment and its people. The program is committed to examining the actual and potential environmental impacts associated with state government's activities and services in order to continually improve environmental performance. The Sustainability Program does this by focusing on areas where the biggest impacts can be made within state government such as efforts on water conservation, energy and paper use, state fleet and solid waste.

In order to carry out the goals and objectives of CDPHE, the program utilizes a number of partnerships to promote sustainability and to protect, preserve and enhance environmental protection and public health. Through these partnerships, the program leverages resources in ways that help to strengthen the effectiveness of CDPHE efforts by building a foundation of grassroots support, and empowering individuals, organizations and communities to participate actively in environmental decision making and problem-solving.

3.3.1.1 Supplemental Environmental Projects

The Division's Sustainability Program serves a coordinating role regarding CDPHE's oversight of Supplemental Environmental Projects (SEPs). SEP agreements are negotiated during enforcement settlements and result in beneficial environmental or public health projects that a violator is not otherwise legally required to perform. SEPs are formed solely within CDPHE's discretion, but at a minimum, require violators to achieve and maintain compliance with all applicable regulations. All settlements include appropriate monetary penalties related to the environmental damage and financial gain the violator has received as a result of the violation.

To help guide the SEP process, the environmental divisions developed a SEP policy. The policy prohibits, for example, the use of a SEP to help meet actions required by any federal, state, or local law, regulation, administrative or court order or permit. Further, SEPs cannot include actions that the violator may be required to perform as injunctive relief, as part of a settlement or order in another legal action, or by state or local requirements.

For municipalities, a separate SEP policy was developed. CDPHE recognizes that municipalities are in a unique position relative to any other regulated entity regarding the payment of cash penalties. If a municipality has the ability to pay the penalty, CDPHE will provide it the opportunity to offset the entire penalty (civil and economic benefit) with a supplemental environmental project, if the entity can agree to and/or demonstrate the criteria set forth in CDPHE's municipal SEP policy. If a county or municipality does not satisfy all of the conditions for mitigation, CDPHE will not settle the entire penalty through a SEP, but may mitigate the penalty consistent with the degree to which the conditions are satisfied, and with the factors set forth in each division's penalty policy.

3.3.1.2 Emerging Environmental Issues

Housed within the Division is CDPHE's Environmental Integration Coordinator addressing emerging environmental and health issues such as mercury pollution, pharmaceuticals in the environment and other emerging contaminants or pollutants that have not been effectively addressed by traditional regulatory programs. In addition, this position addresses the cross-cutting issues associated with the potential environmental influences of disease transmission, asthma, radon, asbestos, and other environmental triggers that cause health-related impacts. Included in this role are duties related to analyzing the

relevance and importance of environmental and public health impacts caused by unregulated pollutants and/or emerging contaminants to determine and implement critical policy and program direction for CDPHE.

3.3.1.3 Cross-Media and Sector Initiatives

CDPHE is committed to efficiently targeting its resources to address environmental problems within the state. The Division helps to coordinate a forum for communication, resource sharing and innovative problem solving among the various health and environmental disciplines at CDPHE. The focus of this effort is to encourage environmental staff to work together, and with the regulated community, to utilize innovative, cross-media strategies to identify, address and resolve environmental problems. This approach enhances CDPHE's ability to deliver cost-effective environmental services.

The Cross-Media Innovation and Strategy Team (CMIST) facilitates communication between divisions and programs to identify opportunities for implementation of cross-media strategies. Effective cross-media strategies can reduce duplications of effort across divisions and streamline compliance assistance activities among regulated sectors. Some of CDPHE's current or anticipated cross-media projects include: the Colorado Medication Take-Back Pilot Project; development of updated medical waste regulations; implementation of the Environmental Results Program approach in the dry cleaning sector; and implementation of greenhouse gas regulations.

Another cross-media initiative being used by CDPHE environmental programs is the Environmental Results Program (ERP). ERP drives improvements in the environmental performance of regulated groups by linking compliance assistance with compliance self-certification and measuring results in a statistically valid manner.

ERP applies three innovative tools to enhance and measure environmental performance. These tools supplement CDPHE traditional compliance assurance efforts:

- An annual self-certification of compliance by companies to increase self-evaluation and accountability;
- Compliance assistance from the agency through outreach and materials; and
- A new performance measurement methodology to track results, determine priorities and strategically target inspections and compliance assistance efforts.

CDPHE continues to utilize ERP as a self-certification program in various environmental programs and sectors. EPA and CDPHE agree that the self-audits conducted under CDPHE Environmental Results Program projects may be used to offset inspection commitments on a case-by-case basis and pending EPA Region 8 review and concurrence with each specific ERP proposal (e.g. applicable facility type, audit scope, etc.).

In addition to ERP, CDPHE's cross-media compliance assistance projects can also result in cross-media inspections. Upon EPA Region 8 review and concurrence with each specific cross-media inspection proposal (e.g. applicable facility type, inspection scope, inspector qualifications), CDPHE and EPA Region 8 agree that multiple inspections (i.e., air, waste and/or water) were conducted for each cross media inspection and are valid inspections for purposes of reporting inspections to EPA.

Another cross-divisional team within CDPHE is the Cross-Media Enforcement Team. This team works to streamline and better integrate enforcement policies, approaches and guidance. The increased collaboration of environmental staff provides CDPHE with a more consistent and effective compliance and enforcement presence. The responsibilities of the Cross-Media Enforcement Team include:

- Ensuring that cross-media and other department-wide concerns are considered and addressed in the negotiation of settlement agreements.
- Developing and coordinating a cross-media, whole-facility approach to compliance assurance and enforcement.
- Assisting in developing business sector initiatives and expertise within the department (e.g., energy, agriculture, metal finishing sectors).
- Developing coordinated compliance assurance and enforcement strategies, guidance and internal and external training.
- Developing proposals for innovative regulatory and compliance assurance approaches that target CDPHE's enforcement resources on actions that yield the greatest protection and optimize environmental protection, while increasing flexibility and accountability to the regulated community.

3.3.1.4 SARA Title III (EPCRA) Programs

The SARA Title III programs provide for the collection and tracking of information regarding the use, storage, production and release of hazardous chemicals using the annual Tier II Hazardous Chemical Inventory report and the annual Toxic Release Inventory report.

3.3.1.5 Greening Government

In April 2007, Colorado's Governor Bill Ritter, Jr., signed the Greening of State Government Executive Orders D011 07 and D012 07. In April of 2010 he signed an additional Greening Government Executive Order D006 10 that incorporated additional requirements for state agencies. These orders charge state departments, agencies and offices to take a position of leadership in reducing state government's environmental footprint. The Greening Government Executive Orders set goals for all Colorado state government to reduce energy consumption, increase the use of renewable energy sources, increase the energy efficiency and decrease the environmental impact of the state vehicle fleet, implement environmental purchasing standards and reduce waste and increase recycling. The Division directs and oversees progress towards CDPHE's Greening Government goals as well as assists other state agencies in meeting the goals spelled out in the executive orders.

3.3.1.6 Environmental Leadership Program

The Division's Colorado Environmental Leadership Program (ELP), is a voluntary program designed to recognize and reward organizations and businesses that demonstrate superior environmental performance and, as a result, consistently operate at a level that goes beyond mere compliance with environmental regulations. Membership in the program is open to all types of organizations and businesses from large corporate entities to small businesses, government agencies, nonprofits and academic institutions. To participate in the leadership program, an organization must meet ELP eligibility related compliance requirements and fit within a specific "tier" of the program. In exchange, leadership members are provided recognition and regulatory and non-regulatory benefits and incentives from the State (incentives are specific for each tier level).

3.3.1.7 Pollution Prevention Program

The goal of the Division's Pollution Prevention Program is to make pollution prevention the environmental management tool of first choice in Colorado. The Pollution Prevention Program does this by promoting and supporting long-term process improvements and best management practices that reduce or eliminate waste before it is generated in household, government, commercial and industrial scenarios. Program staff is becoming increasingly involved in the Front Range Sustainability Coordinators Network that is administered through the Governor's Energy Office.

3.3.1.8 Pollution Prevention Advisory Board

The Sustainability Program serves as staff to CDPHE's Pollution Prevention Advisory Board which has been in place since 1992. The board provides overall policy guidance, coordination, and advice to CDPHE on pollution prevention and environmental leadership activities. In addition, the board administers recycling and pollution prevention grant programs on an annual basis.

3.3.1.9 Self-Audit Law

The Colorado Environmental Audit Privilege and Immunity Law enacted in 1994, provides that all state civil and administrative penalties and penalties for criminally negligent violations of Colorado environmental laws may be waived if such violations are voluntarily disclosed as the result of an audit conducted by or for the entity. The audit law is codified at section 13-25-126.5 of the Colorado Revised Statutes (audit privilege); section 13-90-107, C.R.S., (testimonial privilege); and section 25-1-114.5, C.R.S., (penalty immunity). The Sustainability Program coordinates CDPHE's implementation of this law and notifies EPA in accordance with the terms set forth in the Protocols for Implementation of the Colorado Audit Privilege and Immunity Law, Memorandum of Agreement and CDPHE's Self-Audit Policy.

CDPHE and EPA recognize that the self-audit law specifies CDPHE, as an initial matter, to consider certain factors to determine an entity's eligibility for privilege or immunity protection. If any one of the eligibility factors is not satisfied, the entity is not entitled to protection. In addition, under the self-audit law program, CDPHE has the discretion to evaluate certain other factors to determine whether privilege and immunity protection is justified and appropriate under the given circumstances of the case. If CDPHE determines that one or more of the discretionary factors apply to a particular case, CDPHE may use its judgment to determine if, and to what extent, protection under the self-audit law is appropriate.

EPA and CDPHE consider self-audit immunity submittals to CDPHE to be equivalent to an inspection or compliance evaluation and CDPHE shall appropriately document these submittals.

3.3.1.10 Environmental Management System Permit Program

From 2004 – 2007 CDPHE piloted an Environmental Management System (EMS) permit with five Colorado businesses. Since completion of the pilot project in June 2007, CDPHE has analyzed and continues to refine the EMS permit program. The EMS Permit Program is an option available to Colorado's gold level environmental leadership companies that allow program members to integrate environmental permits into their existing environmental management system, in addition to allowing for operational flexibility and cross-media considerations if adequately demonstrated as being as protective of public health and environmental standards.

3.3.2 Environmental Agriculture Program

The Environmental Agriculture Program unit is a sector-based program that brings together staff from CDPHE's Air Pollution Control Division, Water Quality Control Division and the Sustainability Program to administer state-only and National Pollutant Discharge Elimination System (NPDES) programs applicable to animal feeding operations. The Environmental Agriculture Program administers the entire regulatory suite of air and water quality regulatory programs including writing permits for concentrated animal feeding operations and housed commercial swine operations, conducting site inspections, developing and implementing policies and regulations, providing compliance assistance and conducting compliance assurance activities. In addition, the program coordinates cross-cutting environmental issues that impact the agricultural sector, such as nitrogen deposition issues at Rocky Mountain National Park, permitting issues related to bio-fuel technologies and on-farm composting.

3.3.2.1 Animal Feeding Operation (CAFO, HCSFO) Programs

The division's Environmental Agriculture Program administers state-only and delegated federal regulatory programs in order to protect Colorado's surface water, ground water, soils and air quality specific to concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs) throughout the state. The activities administered by the program that are included in the PPA can be found in Water Quality Control Division Chapter 5, Section 4.0 Permitting Program - Delegated NPDES Program, starting at Subsection 4.6.

3.3.2.2 Innovative & Cross-Cutting Ag Sector Programs

The Environmental Agricultural Program serves as a single-point of contact for the agricultural sector on environmental issues that cut across various CDPHE programs. Cross-cutting issues include, for example, nitrogen deposition issues at Rocky Mountain National Park, permitting issues related to bio-fuel technologies and on-farm composting.

3.3.3 Additional Environmental Programs

The Division administers several additional environmental programs including those related to energy development (i.e., oil and gas consultation), the Small Business Ombudsman and Environmental Justice. These cross-cutting environmental programs interact with programs both internal and external to CDPHE, such as the Colorado Oil and Gas Conservation Commission, the Colorado Department of Natural Resources and Colorado small businesses.

3.3.3.1 Energy Development (Oil & Gas Consultation)

The Division is coordinating implementation of CDPHE'S consultation responsibilities regarding Colorado Oil and Gas Conservation Commission (COGCC) decision making. Consultation responsibilities are triggered by: 1) requests for variances to environmental rules for oil and gas development; 2) requests for an increase to well density; or 3) local government requests for consultation.

In fulfilling this role, the consultation team will coordinate the environmental reviews conducted by CDPHE's Water Quality Control, Air Pollution Control, and Hazardous Materials and Waste Management Divisions for drilling permits meeting one of the three triggers listed above. CDPHE recommendations will be submitted to the COGCC for consideration in the review of applications for drilling permits.

The Division's Energy Development team also coordinates CDPHE's input on potential oil shale development in Colorado.

3.3.3.2 Small Business Ombudsman

The Small Business Ombudsman serves as a troubleshooter and a liaison between the department's environmental programs and small business owners and managers. In addition, the ombudsman serves an oversight role to CDPHE's Small Business Assistance Program and renders advisory opinions as to whether regulations, policies, and guidance appropriately consider the concerns of small businesses.

3.3.3.3 Environmental Justice

CDPHE works to integrate awareness of environmental justice issues into existing environmental programs at all levels, with the goal

of achieving environmental justice for all people, regardless of race, color, national origin, or income. Because some minority and low-income communities may often be exposed disproportionately to environmental risks, CDPHE works to increase awareness at the staff level on this issue to better protect these communities from adverse public health and environmental impacts. The Division works on this cross-cutting issue by supporting open and transparent stakeholder meetings, and encouraging the participation of broad stakeholder groups in the development of environmental laws, regulations, and policies.

3.3.3.4 School Chemical Hazards

The Division's school chemical hazards Inspection activities administered by the program that are included in the PPA can be found in Hazardous Materials and Waste Management Division Chapter 6, Section 6.3 Cross-Cutting Themes, starting at 6.3.2 Compliance Assistance and Assurance.

Division of Environmental Health and Sustainability FY 2011- 2012 Updated Work Plan

SUSTAINABILITY PROGRAM			
Supplemental Environmental Projects			
Subgoals	Objectives	Timeline	Performance Measures
Support and advise Cross-Media Enforcement Team (CMET) on SEP related issues.	Review SEP and Eligible Governmental Entity policies annually and make recommendations to CMET as needed.	Annually	# of policies reviewed # of CMET meetings attended
Increase efficiency of SEP program	As requested by environmental divisions: coordinate directly with the enforcement action respondent to present SEP policy and assist in finding appropriate SEP ideas; analyze and evaluate SEP proposals; review SEP Completion Reports.	Ongoing	Coordinated SEP ideas with # of entities # of SEPs evaluated # of SEP Completion Reports reviewed
	Administer SEP idea database; develop and administer the department's SEP website; track environmental outcomes from SEPs.	Ongoing	# of new SEP ideas included in database # of hits on SEP website Environmental outcomes from SEPs

SUSTAINABILITY PROGRAM			
Cross-Media and Sector Initiatives			
Subgoals	Objectives	Timeline	Performance Measures
Assist with CDPHE innovations and cross-media approaches.	Coordinate compliance assistance efforts between programs, including sharing information, data and referring facilities.	Ongoing	# of facilities provided cross- media compliance assistance
	Cross-train compliance assistance providers.	Ongoing	# of individuals trained and hours of training

SUSTAINABILITY PROGRAM			
Cross-Media and Sector Initiatives			
Subgoals	Objectives	Timeline	Performance Measures
	Continue to hold regular workgroup meetings to discuss cross-media opportunities.	Ongoing	Outcomes and outputs of meetings – post achievements on Department's website
	Environmental Results Program		For details refer to Water Quality Control Division and Hazardous Materials and Waste Management Division Chapters 6 and 7.
Integrate successful initiatives into traditional environmental programs.	Integrate Environmental Results Program into environmental divisions.	Ongoing	# of ERP projects implemented lbs./tons pollutants reduced

SUSTAINABILITY PROGRAM			
Emerging Environmental Issues			
Subgoals	Objectives	Timeline	Performance Measures
Reduce pharmaceuticals in the environment.	Implement and assess pilot project for collection of unused and unwanted household medications.	FY 2011-2012	Lbs./tons of medications collected # of user surveys completed # of project inquiries # of locations added
	Develop strategies for implementation of sustainable, state-wide household medication take-back programs.	FY 2011-2012	Program development

SUSTAINABILITY PROGRAM			
Emerging Environmental Issues			
Subgoals	Objectives	Timeline	Performance Measures
	Develop medication disposal options for long-term care facilities, hospitals and veterinary clinics.	Ongoing	# of facilities assisted # projects implemented
	Assist with the problem identification and outreach efforts surrounding PIE.	FY 2011-2012	# of stakeholders contacted # of projects initiated
Reduce mercury in the environment.	Implement Supplemental Environmental Project (SEP) programs for reducing mercury in Pueblo area.	Ongoing	lbs. of mercury releases reduced # of citizens reached
	Set-up mercury recycling programs (CFLs, thermometers, auto switch, etc.).	Ongoing	#of projects implemented and resulting environmental outcomes
Develop processes and systems to address emerging contaminants.	Coordinate with appropriate health divisions to address health and environmental issues.	Ongoing	# of programs/projects implemented # of environmental outcomes
	Assess data to determine both the significance and scope of the problems affecting the well-being of Colorado's citizens.	Ongoing	Assessment completed and valid use of data Determine data gaps
	Identify environmental trends and respond with innovative ideas	Ongoing	Trends identified

SUSTAINABILITY PROGRAM			
SARA Programs			
Subgoals	Objectives	Timeline	Performance Measures
Effectively and efficiently implement the EPCRA/SARA Title III TRI and Tier II programs including all associated databases.	Receive and enter TRI (using the Exchange Network) and Tier II data from Colorado businesses (10,000 facilities; 15,000 chemicals).	FY 2012	Timely and effective data entry Final report at end of FY 2012
	Develop and maintain the TRI/Tier II database.	Ongoing	Database is searchable and maintained
	Assess SARA fees, generate and mail bills, monitor payments and follow-up with unpaid accounts.	FY 2012	Timely assessment of fees and mailing of bills.
	Utilize EPA internet based system for receipt of TRI reports.	Sept. 2012	Electronic System in use
	Utilize EPA Tier II Submit software for electronic reporting of Tier II reports.	Sept. 2012	Electronic System in use
Provide information on program internally, and to public and facilities.	Respond to inquiries regarding TRI reporting and payment requirements from Colorado businesses.	Ongoing	Respond in timely manner
	Respond to inquiries on information to the public and appropriate parties.	Ongoing	Respond in timely manner
	Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP).	Dec. 2012	Timely completion and distribution of reports

SUSTAINABILITY PROGRAM			
Greening Government			
Subgoals	Objectives	Timeline	Performance Measures
Implement Governor's Greening Government Executive Order.	Participate as a lead agency in implementing Greening Government Executive Order.	FY 2012	Annual report on Greening Government projects that were completed during FY 2012
	Attend and participate in regular meetings with other state agencies participating on the Greening Government team.	FY 2012	Participation at meetings # of meetings attended
	Identify targets and objectives for annual Greening Government Projects.	FY 2012	Setting Targets and Objectives and report results at the end of FY2012
	Implement projects to meet targets and objectives.	FY 2012	Environmental outcomes.
	Provide assistance to all state agencies.	FY 2012	# of agencies provided assistance
	Conduct waste assessments at state agencies that request assistance.	FY 2012	# of assessments completed
	Report on projects and efforts.	FY 2012	Report on Greening Government website
Encourage, award, and educate on the use of sustainability practices throughout Colorado.	Provide education and training to business, state and local government, and employees on sustainability practices.	Ongoing	# of individuals reached Environmental and cost benefits if measurement is possible

SUSTAINABILITY PROGRAM			
Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
Identify, recognize and provide incentives to businesses and municipalities that are going beyond basic compliance with environmental requirements and are developing sustainable business practices.	Grow the ELP while maintaining credibility of program and members.	Ongoing	# of member events held # of members participating
Promote ELP to potential members through marketing and outreach.	Provide ELP outreach to companies, trade associations, etc. including a combination of at least 15 presentations, recruitment meetings and site visits with potential applicants annually.	Ongoing	# of presentations # of attendees # of recruitment meetings
	Conduct seminars and/or provide training materials on EMS/ELP/P2/Sustainability to Colorado facilities.	Ongoing	# of presentations # of attendees # of entities reached
	Promote ELP programs internally and to local agencies for referrals.	Ongoing	# of referrals from state and local employees # of contacts with state and local employees # of new members as a result of internal referral
Provide member services and mentoring	Provide technical assistance and gap analysis for potential ELP members.	Ongoing	# of facilities provided assistance
	Provide EMS trainings, roundtables, workshops and other mentoring opportunities.	Ongoing	# of sessions # of facilities attending
	Develop and annual ELP progress report.	Annually by December 31 ST	Completion and electronic distribution of report

SUSTAINABILITY PROGRAM			
Environmental Leadership Program			
Subgoals	Objectives	Timeline	Performance Measures
Implement Gold Level ELP.	Expand membership in the Gold Level; enroll a minimum of 2 new participants annually.	Ongoing	# of new applicants # of EMSs assessed # of new members
	Expand the recognition elements of the program for the Gold Level annually, including: Contact each ELP member and document successes; place successes on website with members logos	Ongoing	Successes documented and measurements tracked Measurements on internet site # of hits on internet site
Implement Silver Level ELP.	Conduct mentoring training (EMS) for members.	Ongoing	# of Silver level members applying for Gold Level
	Continue to grow membership in Silver Level; enroll a minimum of 2 new participants in Silver Level annually.	Ongoing	# of new applicants # of projects assessed # of new members
Implement Bronze Level ELP.	Continue to grow membership in Bronze Level; enroll a minimum of 5 new participants in Bronze level annually.	Ongoing	# of new applicants # of EMSs assessed # of new members
Meet with External ELP Advisory Group.	Leverage through the PPAB and include other ELP members and other stakeholders.	Ongoing	# of recommendations and ideas
Meet with Internal ELP Advisory Group.	Meet with internal staff (as needed) to advise ELP on various elements of the program, including compliance reviews and issues.	Ongoing	# of recommendations and ideas

SUSTAINABILITY PROGRAM			
Partnerships			
Subgoals	Objectives	Timeline	Performance Measures
Colorado Environmental Partnership (CEP)	Participate in selecting topics, finding speakers, promoting meetings, etc.	Ongoing	# of collaborative events held
Collaborate with industry, not-for-profits, and governmental agencies in sustainability and energy education including entities such as:	Continue partnership with Governor's Energy Office, DOE and NREL on energy related projects.	Ongoing	# projects or initiatives resulting from partnerships
<ul style="list-style-type: none"> -- Federal Govt: R8, NREL, DOE, OPPTS, Federal Resource Program Group -- State & Local Partners: PPAB, DOA, Governor's Energy Office, Office of Economic Development. -- NGOs: Product Stewardship Institute, NPPR, Peaks-to-Prairies, Colorado Sustainable Business Network, EC, ED, , ICLEI, CORE, Alliance for Sustainable Colorado. -- Businesses & Assns: CLA, CMA, Colorado Auto Recyclers, Automotive Service Assn, Small Business Assn, Printers and Imaging Assn, Colorado Restaurant Association, Colorado Association for Manufacturing Technology.. 	Serve as a board member or active participant in meetings and activities.	Ongoing	Environmental outcomes of efforts

SUSTAINABILITY PROGRAM			
Pollution Prevention Program			
Subgoals	Objectives	Timeline	Performance Measures
Participate in the Front Range Sustainability Coordinators Network.	Integrate Sustainability Principles into local governmental activities.	FY 2012	# of agencies assisted
Make pollution prevention the environmental management tool of first choice and include sustainability in department decision making.	Integrate pollution prevention concepts and techniques into Greening Government, Cross Media Compliance Assistance, and E3	On-going	Number of initiatives including pollution prevention and/or sustainability.

SUSTAINABILITY PROGRAM			
Pollution Prevention Program			
Subgoals	Objectives	Timeline	Performance Measures
	initiatives to eliminate pollution at the source.		
Garner employee participation in environmental efforts.	Hold CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE.	Spring and Fall 2011 and 2012	# of participants Lbs of trash collected
Participate in Colorado Economy, Energy, Environment (E3) Initiative with CAMT, GEO and other partners.	Assist in recruitment of businesses/facilities, performing P2 portion of assessments, and follow-up to document implementation and environmental outcomes.	Sept. 2012	# of businesses/facilities recruited. # of E3 assessments participated in. Environmental Outcomes from recommendations and implementation.

SUSTAINABILITY PROGRAM			
Pollution Prevention Advisory Board			
Subgoals	Objectives	Timeline	Performance Measures
Assist the Pollution Prevention Advisory Board (PPAB) in providing the maximum environmental benefit to CDPHE and other stakeholders.	Provide meeting support, as well as support for subcommittee meetings.	Ongoing	Provide agenda, meeting logistics, minutes, and other documentation in a timely manner.
Administer the P2 Grants Program from the P2 Fund.	Assist and support PPAB in grant solicitation, review and selection process.	FY 2012	Selection of new grantees
	Provide technical assistance to grantees. Track project progress and outcomes.	FY 2012	Environmental benefits of P2 grants

SUSTAINABILITY PROGRAM			
Pollution Prevention Advisory Board			
Subgoals	Objectives	Timeline	Performance Measures
Assist and support PPAB and the Assistance Committee in implementation of the Recycling Resources Economic Opportunity Grant Program.	Assist in the development of criteria for grants. Announcement of grant solicitation. Assist in the application evaluations.	July 2012	Criteria developed Grants announced and awarded
	Support grant recipients and track project performance, make project results available to the public.	Ongoing	Projects completed in a timely manner Results available to public within 30 days of completion of each project Environmental and cost benefits
RREO Rebate Program	Assist in the development of criteria for rebates and announce rebate solicitation.	FY 2012	Criteria Developed Rebates announced and awarded.

SUSTAINABILITY PROGRAM			
Self Audit Law			
Subgoals	Objectives	Timeline	Performance Measures
Maintain the Self-Audit Policy and partner with EPA.	Abide by the Memorandum of Agreement and the EPA Self-Audit Policy.	On-going	# of entities submitting Self-Audit Requests
Maintain internal contacts with each CDPHE division.	Coordinate Self-Audit submittals to appropriate divisions	On-going	# of Closed Self-Audit requests # of Open Self-Audit requests
Continue to expand, enhance and update the Self-Audit website.	Provide access to information as appropriate	On-going	# of internet hits

SUSTAINABILITY PROGRAM			
EMS Permit Program			
Subgoals	Objectives	Timeline	Performance Measures
Educate management and staff on EMS Permit Program.		On-going	Support to move forward with implementation of the program.
Integrate EMS Permit Program into environmental divisions.	Determine value of EMS Permit approach versus incentives under the Environmental Leadership Program and other regulatory approaches.	On-going	Environmental benefits to citizens of Colorado, the regulated community and public health. Administrative benefit to CDPHE

ENVIRONMENTAL AGRICULTURE PROGRAM			
Animal Feeding Operation (CAFO, HCSFOS) Programs			
Subgoals	Objectives	Timeline	Performance Measures
Implement state-only air quality (odor) and water quality regulatory activities related to Colorado's animal feeding operations.	Improve sector compliance through performance of efficient and effective activities such as: drafting permits, conducting inspections, providing compliance assistance, drafting regulatory revisions as needed, conducting compliance assurance (enforcement) activities, including informal enforcement actions (i.e., compliance advisories, compliance schedules) and/or referrals for formal enforcement.	Ongoing	Refer to Chapter 5, Water Quality Control Division (starting at subsection 4.6) for specifics related to the protection of surface water for federally enforceable programs.
Maintain transparency of regulatory, enforcement and compliance assistance activities.	Annual report to Colorado General Assembly	By March 31 st of each year	# of presentations provided # of outreach materials provided Also, refer to Chapter 5, Water Quality

ENVIRONMENTAL AGRICULTURE PROGRAM			
Animal Feeding Operation (CAFO, HCSFOS) Programs			
Subgoals	Objectives	Timeline	Performance Measures
	Annual meeting with program stakeholders	By spring of each year	Control Division for specifics related to the protection of surface water through administration of NPDES requirements.
Serve as a liaison on agricultural issues to EPA, citizens and the agricultural industry.	Address complaints, including cross-media issues and concerns.	Ongoing	# of complaints addressed % of complaint cases resolved
	Provide presentations to public and agriculture industry on regulatory and/or cross-cutting issues.	As requested	# of presentations provided
Cross-Cutting Environmental Agriculture Programs			
Coordinate the Agricultural Technical Workgroup.	Review technical environmental data resulting from agricultural activities to evaluate regulatory needs and concerns.	Ongoing	# of meetings held # of recommendations put forth by the workgroup
Coordinate the Rocky Mountain National Park (RMNP) Agricultural Subcommittee.	Coordinate meetings of the subcommittee and interested stakeholders.	Ongoing	# of meetings held
	Develop incentives to promote implementation of ammonia reduction best management practices (BMPs).	Ongoing	# of incentives recommended and/or implemented
	Develop outreach materials to educate agricultural producers and citizens on agriculture's contribution to nitrogen deposition in RMNP.	Sept. 2013	# of outreach materials developed and distributed

ENVIRONMENTAL AGRICULTURE PROGRAM			
Animal Feeding Operation (CAFO, HCSFOS) Programs			
Subgoals	Objectives	Timeline	Performance Measures
	Work with CSU to field test ammonia BMPs at dairies and feedlots.	Ongoing	# of BMPs field-tested
	Work with USDA Natural Resources Conservation Service to incorporate ammonia BMPs into technical standards and service advisories.	FY2012	# of BMPs incorporated into NRCS programs
	Work with the Air Pollution Control Division to improve Colorado's Ammonia Inventory.	Ongoing	# of inventory improvements
	Seek resources (grants) to support BMP research, outreach, etc.	Ongoing	# of grants applied for and awarded # of ammonia-related outcomes of projects
	Participate in contingency plan measures, if applicable.	1 st milestone 2012	# of contingency measures developed and actions taken to implement measures
Serve as lead on NRCS Air Quality Committee	Coordinate recommendations from the crop and livestock sectors on improvements to NRCS conservation programs, including air and water quality conservation practices.	4 quarterly meetings	# of recommendations made to the NRCS State Technical Committee # of recommendations supported or implemented by NRCS within existing programs

ENVIRONMENTAL AGRICULTURE PROGRAM			
Animal Feeding Operation (CAFO, HCSFOS) Programs			
Subgoals	Objectives	Timeline	Performance Measures
Increase compliance assistance to agriculture sector.	Provide outreach and interpretation to livestock producers on applicable solid waste and industrial waste water requirements.	Ongoing	# of producers seeking assistance on cross-cutting issues (i.e., composting and biofuels)
	Coordinate communication within environmental divisions on issues impacting agriculture such as biofuel technologies, land application of sludges, composting, etc.	Ongoing	# of multi-media meetings held # of cross-cutting issues resolved
	Assist with permitting issues and questions from the agriculture industry on cross-cutting technologies.	Ongoing	# of guidance documents developed and distributed # of producers assisted

ADDITIONAL ENVIRONMENTAL PROGRAMS			
Energy Development (Oil and Gas)			
Subgoals	Objectives	Timeline	Performance Measures
Establish and oversee the process for the CDPHE review and evaluation of drilling permits as provided under HB 1341.	Review permit applications to assess whether the proposed permit will satisfy applicable requirements for the protection of the public health and environment.	Ongoing	Successful consultation with COGCC to protect public health and the environment
Develop a process to track and analyze the timeliness of reviews by CDPHE, for drilling permits meeting one of the three triggers stated above.	Provide statistics for evaluating resource needs and timeliness of CDPHE reviews.	Ongoing	Functional tracking system that provides essential information for the management of the consultation process

ADDITIONAL ENVIRONMENTAL PROGRAMS			
Energy Development (Oil and Gas)			
Subgoals	Objectives	Timeline	Performance Measures
Input into federal decision-making regarding potential oil shale development to assure that public health and environmental impacts are addressed.	Provide input into Bureau of Land Management activities related to potential commercial oil shale development.	Ongoing	Timely input regarding BLM's EIS and regulation development regarding oil shale

ADDITIONAL ENVIRONMENTAL PROGRAMS			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
Represent Colorado at the national and regional level.	Serve on the national 507 Steering Committee or SBO/SBAP Sub Committees, including conference calls, and materials related to Colorado's program.	Ongoing	Environmental and compliance outcomes of efforts, transfer compliance outcome ideas to SBAP.
Provide assistance and track assistance provided to small business.	Refer small businesses to technical resource in the SBAP.	Ongoing	# of calls received and referred to SBAP # of entities assisted Environmental and compliance outcomes of efforts
	Provide timely response to small businesses.	Ongoing	% of response within 3 days of initial contact
	Contact trade associations and small business representatives that SBAP has worked with and get comments and feedback.	Ongoing	Conduct follow-up activities and relate suggestions back to SBAP.
Serve as a resource for small businesses.	Serve as an impartial resource for small businesses that have complaints or concerns	Ongoing	# of times assistance provided to

ADDITIONAL ENVIRONMENTAL PROGRAMS			
Small Business Ombudsman			
Subgoals	Objectives	Timeline	Performance Measures
	about fair treatment by the environmental divisions.		business # of contacts made with environmental staff Environmental outcomes of assistance efforts
	Review SBAP guidance documents prior to issuance and provide advisory opinions.	Ongoing	% completed within 10 days of SBAP providing document
	Provide training and outreach on tools available for small businesses and the assistance available through SBAP.	Ongoing	# of conferences or seminars participated in
Review regulations to determine impact on small business and provide information on the regulations to small business community.	Ensure new and modified regulations that impact small businesses are reviewed. Solicit comments from the small business community and through Compliance Advisory Panel (CAP) and submit to EPA.	Ongoing	# of new regulations modified that affect small business
	Solicit comments on new small businesses regulations from trade associations and present back to appropriate regulatory agency as small business community comments.	Ongoing	# of comments and suggestions provided within the regulatory timeframe and coordinated SEAP response to applicable regulations
Support and coordinate the Small Business Compliance Advisory Panel.	Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE, including assisting the CAP in issuing the advisory report and discuss with EPA.	Ongoing	# of presentations presented to the CAP, including guidance documents, projects and issues for its advisory opinions # of recommendations made to the director for appointments after conferring with SBAP

ADDITIONAL ENVIRONMENTAL PROGRAMS			
Environmental Justice			
Subgoals	Objectives	Timeline	Performance Measures
Serve as an intermediary between EPA and CDPHE on environmental justice issues.	Participate, coordinate, and facilitate meetings between EPA, CDPHE and communities, as appropriate and necessary.	Ongoing	# of events facilitated/coordinated # of events participated # of attendees Environmental outcomes of events
Participate on the Environmental Health Disparities Workgroup.	Raise awareness on health disparity issues within the environmental divisions.	Ongoing	# of meetings attended Environmental outcomes of meetings/events
Review documents and policies that address environmental justice issues and inform CDPHE of emerging environmental justice issues as appropriate.	Review documents/policies and inform CDPHE; obtain information from EPA website, community newsletters, contacts and provide in meetings or correspondences as necessary.	Ongoing	# of documents/policies reviewed Environmental outcomes of efforts

COMPLIANCE ASSISTANCE			
Environmental Health			
Subgoals	Objectives	Timeline	Performance Measures
Provide compliance assistance to schools in rural areas.	Regulatory inspections performed in counties under the jurisdiction of the department.	Ongoing	Number of inspections

REGULATORY UNIFORMITY			
Environmental Health			
Subgoals	Objectives	Timeline	Performance Measures
Provide training and assistance to state and local public health personnel to assure uniformity in regulatory inspections for schools.	Develop an audit/training program for state and local public health agency personnel inspecting schools in Colorado.	Ongoing	Developed audit program consisting of joint regulatory inspections, training and feedback for state and local personnel.

Chapter 4 AIR POLLUTION CONTROL DIVISION

4.1 Overview

Chapter 4 of the CEPPA addresses the protection of air quality in Colorado. The agency with primary responsibility for protecting the air resources of Colorado is the Air Pollution Control Division (Air Division) of CDPHE. This chapter includes:

- The Air Division's mission, goals and major program objectives, organizational structure to support objectives, and ongoing program activities;
- Major program strategies and the program or environmental indicators used to measure success; and,
- Specific strategies to achieve the objectives for the coming fiscal year.

The Air Division's work plan is included later in this chapter and reflects the goals of three overall planning documents that guide the activities of the EPA Region 8 and the CDPHE. These documents include:

- The Colorado Department of Public Health and Environment Strategic Plan, The FY2011-15 National EPA draft Strategic Plan and the
- U.S. EPA Region 8 Regional Strategic Plan that reflects EPA's work strategies and the work of its state partners.

Additionally, a significant amount of the Air Division effort is conducted in cooperation with local health agencies in Colorado. The Air Division may assist local agencies or contract directly with a local agency to assist in the implementation of delegated programs such as compliance monitoring and ambient monitoring.

4.2 Mission

The Mission of the Air Division is stated below. In achieving this mission the staff and managers of the Air Division will maintain consistency and coordination with other CDPHE programs, EPA and other partners and stakeholders.

It is the mission of the Air Pollution Control Division to provide our customers with excellent air quality management services when taken together contribute to: the protection of public health; the protection of the environment and ecosystem; and, continual improvement of the air quality-related aesthetic values such as odors and visibility.

4.2.1 Mandates and Strategic Policy Directions

Under the federal and state Clean Air Laws, a number of mandates are described. Some of these that the Air Division is implementing include: developing State Implementation Plan (SIP) revisions for areas exceeding air quality standards; implementing federally-enforceable programs in the SIPs such as operating permits, automobile inspections and ambient air quality monitoring.

This Performance Partnership Agreement describes how the Air Division implements the strategic policy directions relating to regulatory, technical, planning and business support activities. This document also identifies how program initiatives are measured and the expected environmental outcomes.

Major policy areas covered by this Performance Partnership Agreement and the Air Division Work Plan include:

- Assuring state and federal mandates are being met;
- Instituting new initiatives such as those assigned to the Air Division by the Colorado General Assembly;
- Effectively managing program activities, including tracking progress, evaluating performance and identifying and acting on important opportunities; and,
- Ensuring local air quality problems are addressed that do not fall under federal or state programs.

4.3 Air Division's Major Goals – State-wide

The Air Division focuses on three major goal areas to protect air quality in the state.

- Achieve a level of air quality that protects and preserves human health
- Achieve a standard of air quality in Colorado that protects the integrity of the natural ecosystem
- Achieve a level of ambient air quality that protects and preserves welfare standards for odors and visibility.

Each major area has several sub-goal areas, which establish where resources are directed.

Goal 4.1: Achieve a level of air quality that protects and preserves human health. The key sub-goals include:

Sub Goal 4.1.1 Protect the National Ambient Air Quality Standards

Objective 4.1.1.1 Protect Ozone NAAQS

Objectives	Strategic means	Environmental indicators of results
4.1.1.1 a Attain the 1997 8-hr ozone NAAQS by 2010.	Implement the 2008 Ozone Action Plan to attain 0.08 ppm standard by 2010. Assure compliance with other current emission controls Implement any new voluntary controls Draft new regulations as needed	Statewide trends in emission of ozone precursors Emissions eliminated as a result of program implementation Trends in state-wide ambient ozone measurements Permits issued and Inspections and enforcement actions taken Regulations proposed and adopted by the AQCC
4.1.1.1b Ensure there are no new 1997 Ozone Standard Nonattainment areas	Compliance with other current emission controls Encourage, where appropriate, voluntary emission control activities	Same as above
4.1.1.1c Prepare to attain the 2008 standard, or any subsequent ozone standard that may be promulgated after EPA reconsiders the 2008 standard.	Develop proposed designations for the 2008 or subsequent standard. Develop Ozone Action Plan in accordance with EPA implementation rule Increased monitoring	Proposed designations developed in February 2009 for the 2008 standard Ongoing Install new ozone monitoring sites, as required, to meet new monitoring rules

Objective 4.1.1.2 Protect Other NAAQS (Carbon Monoxide, PM-10 and PM-2.5, Sulfur Dioxide, Nitrogen Dioxide, Lead)

Objectives	Strategic means	Environmental indicators of results
4.1.1.2 Maintain all current areas in attainment of NAAQS and ensure there are no new Nonattainment areas	Compliance with other current emission controls Encourage, where appropriate, voluntary emission control activities Increased monitoring	Statewide trends in emission of criteria pollutants Emissions eliminated as a result of program implementation Trends in state-wide ambient NAAQS levels Install new NO ₂ and SO ₂ monitoring sites by 2013 to meet new requirements

Sub-Goal 4.1.2 Air Toxics - Protect citizens from exposure to air toxics

Objectives	Strategic means	Environmental indicators of results
Meet national goal of reducing the excess number of cancers by 75% by 2010 from	1. Work with EPA to establish implementable MACT area	Statewide trends in emissions of air toxics (including Mercury)

1993 levels and to ensure that 90% of toxic and hazardous emissions are subject to standards developed by the EPA.	source program 2. Implementation of Integrated Air Toxics Strategies 3. Implementation of Mercury Reduction Programs 4. Implementation of Lead-based paint certification and abatement program 5. Implementation of asbestos certification and abatement programs 6. Implementation of Colorado Diesel Program (school buses and other diesel vehicles).	Emissions eliminated as a result of program implementation Trends in state-wide ambient air toxics measurements
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Goal 4.2: Achieve a standard of air quality in Colorado that protects the integrity of the natural ecosystem.

Sub-areas include:

4.2.1 Acid deposition and related Air Quality Related Values

Objectives	Strategic means	Environmental indicators of results
4.2.1.1 Ensure all Class I areas in Colorado are protected from acid deposition impacts and other Air Quality Related Values are protected. 4.2.2.1.2 Return Rocky Mountain National Park to critical load level of nitrogen deposition as outlined in the RMNP Nitrogen Deposition Reduction Plan.	Implementation of acid deposition program Implementation of PSD program Implement nitrate deposition reduction plan in Rocky Mountain National Park including voluntary measures to reduce critical loadings	Statewide trends in emission of acid deposition precursors Emissions acid deposition precursors eliminated as a result of program implementation Trends in state-wide acidification measurements in ecosystem

4.2.2 Stratospheric ozone protection

Objectives	Strategic means	Environmental indicators of results
Ensure that programs that regulate the usage and disposal of ozone-depleting CFC compounds are maintained.	Implementation of CFC control programs	Statewide trends in usage of ozone depleting substances (ODS) Emissions of ODS eliminated as a result of program implementation International ambient monitoring programs showing maximum levels of ODS worldwide

4.2.3 Climate change

Objectives	Strategic means	Environmental indicators of results
Ensure the Colorado climate change emission inventory is complete and trends in emission levels are identified. Assist Department and Governor's Office in implementing Climate Change Action Plan elements.	Implementation of voluntary GHG reduction programs Assist the Department and Governor's task force in development of transportation and other air emissions reduction strategies, per the governor's Nov 2007 Climate Action Plan and subsequent Executive Order	Assist in characterizing fleet transportation environmental emission footprint Identification of target emission reduction goals Updated emissions inventory for the State Policies and/or regulations developed to

	<p>Develop policies and regulations as needed to implement the federal GHG reporting and tailoring rules.</p> <p>Integrate EPA tailoring rule in to Colorado Regulations by 1/2/11.</p> <p>Begin issuing Title V and PSD permits for GHG as provided in tailoring rule by 1/2/11.</p>	<p>allow state implementation of the federal GHG reporting and tailoring rules as necessary or directed by EPA.</p> <p>Submit letter to EPA by 8/2/10 regarding State plans for Tailoring Rule.</p> <p>Begin issuing Title V and PSD permits per tailoring rule by 1/2/11.</p>
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Goal 4.3: Achieve a level of ambient air quality that protects and preserves welfare standards for odors and visibility. Sub-areas include:

4.3.1a Urban Visibility – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability.

Objectives	Strategic means	Environmental indicators of results
Ensure an ongoing decrease in the number of days the Colorado visibility standard is exceeded in the Front Range areas of applicability.	<p>Compliance with current emission controls of visibility impacting pollutants</p> <p>Encouragement, where appropriate, of voluntary emission control activities</p> <p>controls of visibility impacting pollutants</p>	<p>Ambient visibility index monitoring</p> <p>Statewide trends in emission of visibility affecting pollutants</p> <p>Emissions eliminated as a result of program implementation</p>

4.3.1b Regional Haze (for Class I National Parks and Wilderness areas) – Ensure natural background visibility in all Class I areas by 2064 through the development of a Colorado Regional Haze SIP revision.

Objectives	Strategic means	Environmental indicators of results
Provide for the attainment of natural background visibility in all Class I areas in the United States by 2064 through the development of a state Regional Haze SIP revision.	<p>Development of Colorado Regional Haze SIP which includes enforceable intermediate milestones including:</p> <p>Work with Region 8 to address any issues related to BART.</p> <p>Update the Long Term Strategy based on Reasonable Progress controls and goals.</p> <p>Other measures for sources as needed over time including minor and major stationary sources, area and mobile sources, construction activities, dust and fire to meet Reasonable Progress goals for State</p>	<p>Regional and statewide trends in emission of visibility-causing pollutants</p> <p>Emissions eliminated as a result of regional Haze Program implementation</p> <p>Trends in monitoring at IMPROVE monitoring stations</p> <p>Establishment of 2064 goals and RFP trend</p>

4.3.2 Odors (State-only program – not in any applicable SIP)

Objectives	Strategic means	Environmental indicators of results
Ensure all odor problems are addressed as expeditiously as practicable	<p>Compliance with other current emission controls and requirements</p> <p>Encouragement, where appropriate of additional voluntary emission control activities</p>	Total number of complaints reduced annually

4.4 Organizational Structure of the Air Division

The Air Division is organized into five major program areas. These are listed below. Performance Partnership Grant funds are utilized in all programs listed:

Air Pollution Control Division					
Director's Office					
Planning and Policy Program	Mobile Sources Program	Stationary Sources Program	Indoor Environment Program	Technical Services Program	Administrative Program
Nonattainment planning & redesignation (including conformity determinations) High Pollution Advisory Programs for winter (CO and PM) and summer (O3) Community Based Programs in various areas of state Education and Outreach Environmental Assessment coordination Integrated Air Toxics efforts Regional Haze program planning Climate Change Planning	Alternate Fuels Program High Altitude Emissions Testing & Research Automotive Inspection and Readjustment (A.I.R.) Programs Diesel Emissions Control Program Oxygenated and Clean Fuels Programs Application of remote sensing technologies - High emitter program - Clean Screen Program Smoking vehicle programs SIP development support	Operating Permits Program Construction Permits Program Compliance & Enforcement Small Business Assistance & Outreach Inventory & SIP Support Program Oil and Gas Unit	Asbestos & Lead-based Paint Programs Chlorofluorocarbon (CFC) Program	Ambient Air Quality Monitoring Program Air Pollution Modeling & Inventory Development Rural Acid Deposition and Visibility Research Program High Pollution Day Forecasting – summer/winter Prescribed fire/smoke management programs Quality Assurance Program	Fiscal policy and planning Division budget development, expenditure and revenue management Contract/procurement management Information Technology support in coordination with the State's Office of Information Technology Personnel and Human Resource coordination and support.

4.5 Air Division Program – FY2011- 2012 Updated Workplan

Goal 4.1: Achieve a level of air quality that protects and preserves human health

- The key strategic measures to achieve this goal include: the continued implementation of the State SIP including revisions for Nonattainment Areas; the implementation of Ozone Early Action Compact for the Denver Metro area; the implementation of MOAs with other communities; ongoing state permit and compliance programs; and, encouragement, where appropriate, of voluntary emission control activities.

The key sub-goals include:

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
MOBILE SOURCE PROGRAMS		
4.1.1.1 Protect public health through operation of Automobile Inspection and Readjustment (A.I.R.) Program and Clean Screen Program – Regulation No. 11	Operate A.I.R. program in Denver metro area - Inspector training/certification maintained - Data collection and processing systems maintained - Support field enforcement activities by Dept. of Revenue - Monitor program quality and performance - Provide support to customers, inspectors, auto entities and repair technicians A.I.R. Program expanded to North Front Range Counties	Ongoing Annual report to Commission Completed November 2010
4.1.1.2 Protect public health through operation of Diesel Inspection and Self-certification Program – Regulation No. 12 (State only)	Similar operation and training measures as A.I.R. Program (4.1.1.1) Work with our counterparts at the regional and local levels to implement the Colorado Clean Diesel Program and the implementation of Diesel Emission Reduction Act and American Recovery and Reinvestment Act grants	Ongoing
4.1.1.3 Protect public health through the operation of Oxygenated Gasoline Program – Regulation No. 13	This Rule was removed from the SIPs by the Air Quality Control Commission in December 2005. EPA removed Regulation 13 from the federally-approved Colorado SIP on August 17, 2007 (72 FR 46148).	Completed Program Termination Scheduled for 2011
4.1.1.4 Reserved		
4.1.1.5 Protect public health through development and participation in mobile source air quality improvement strategies	-Implement HB 06-1302 High Emitter Component of A.I.R. - Implement smoking vehicle programs - RAQC Programs - Auditor recommendations on potential hydrocarbon strategies under A.I.R. Program - Public outreach	High Emitter Pilot Program Completed December 2009 (Analysis of Program Benefits is Ongoing)

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
	<ul style="list-style-type: none"> - Reduce emissions through fuel programs – area-wide assessment and report on RVP levels to AQCC as part of Ozone SIP development. Participate in MOVES model development and implementation Monitor Federal Renewable Fuels Program Monitor California LEV program to assess potential for additional emission reductions for several parameters including: vehicle certification, and reformulated gas rules Participate in evaporative emissions study 	All Ongoing
4.1.1.6 Support development implementation of mobile source strategies through technical studies and operation of testing equipment and facilities	<ul style="list-style-type: none"> Provide mobile source emission inventories and emission factors Operate and maintain Technical Centers Operate and maintain mass emissions testing facility Conduct an analysis of Colorado fuel market including: volatility, ethanol content, market status and other parameters Contribute to division inventory report of actual annual emission data using new EIS system from Type B mobile sources 	All Ongoing
STATIONARY SOURCE PROGRAMS		
4.1.1.7 Protect public health through issuance of and operation of Construction Permits Program for stationary sources	<ul style="list-style-type: none"> Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT) –EPA FY09 priority – Air Permitting #3. Permits issued to minor sources in Colorado Synthetic minor permits issued to applicable sources in Colorado PSD permits issued Permits issued to major sources in nonattainment areas - Enter RACT/BACT/LAER determinations in EPA's clearinghouse database (RBLC) within 30 days following permit issuance, including the "application acceptance date" and "date of permit issuance" Prepare AIRS data entry and forward to Inventory Group - Track PSD increment periodically to meet the requirement of 40 CFR 	<p>Ongoing</p> <p>Continue ongoing annual level of activity of:</p> <p>500 Minors</p> <p>200 Syn minors</p> <p>5 PSD</p>

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
	51.166(a)(4) - Work with Region on NSR permit program evaluation and set target to respond within 90 days to EPA's evaluation report and implement recommendations as warranted. - Update NSR procedures re: Part B, RACT clarification, portable sources, and oil and gas condensate	Complete Ongoing
4.1.1.8 Protect public health through operation of Operating Permits Program	- Document and address modeled NAAQS violations resulting from new source permitting or other actions. Identify whether existing sources; stationary or area source growth is suspected of causing the NAAQS violation. Notify EPA of the modeled NAAQS violation and provide EPA with a copy of the results within 60 days of completion (40 CFR 51.112(a) and Section 110(a)(2) of the ACT). - Ensure sources submit Title V applications for renewal - Prepare AIRS data entry and forward to Inventory Group - Continue development of program with EPA guidance (Part 70) and input from affected parties - Continue to issue proposed, initial, renewal, and modified Title V permits. - Prepare and submit TOPS data to the Region for entry into EPA's national database. - Address recordkeeping and information request requirements. - Coordinate with EPA on petitions for Title V permits.	Continue ongoing level of activity for all areas.
4.1.1.9 Protect public health through operation of Small Business Assistance Program	Industry workshops data collection and coordination Support Compliance Advisory Panel Complete self-certification program - Update small businesses through site visits and technical assistance (MOU with Field Services Unit) - Outreach and coordination with local health departments - Provide consultations and site visits in accordance with MOU with Field Services Unit on enforcement referrals - Participate in Cross Media Innovation and Strategy Program – sector projects and coordination - Develop End-of-year report on compliance assistance efforts	Ongoing level of activity Ongoing Ongoing Ongoing Ongoing Ongoing

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
	contributions from minor source wood boilers and identifying possible control measures if necessary.	
4.1.1.14 Support public health by conducting enforcement actions related to all stationary sources	Warning letters, compliance advisories, NOVs, compliance orders, AQCC hearings and Settlement Agreements (both state and local agencies)	Ongoing
4.1.1.15 Support public health through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications Evaluate excess emission reports Conduct final approval inspections for facilities	Ongoing
4.1.1.16 Support protection of public health through operation of a stationary source emissions and facility data system	Maintain emissions and facility data system from new, revised and renewed APENs into data system Submit national emission trends report APCD is currently utilizing the Exchange Network to transfer the Emissions Inventory System information. Participate in ongoing training provided on National Emission Inventory Participate in new EIS report for point sources using annual emission data from 2008 using the EPA-established reporting thresholds for SOX, NOX, VOC, PM2.5 and PM10, CO, Pb and NH3.	Ongoing Ongoing Completed
4.1.1.17 Support protection of public health through monitoring of local SIP commitments – Reg. No. 16 street sanding	Monitoring and assessing community SIP sanding reduction activities and reports	Ongoing
SIP ACTIVITIES OR COMMUNITY-BASED PROGRAM DEVELOPMENT – PLANNING AND POLICY PROGRAM		
4.1.1.18 Support protection of public health through development of community based air quality programs in cooperation with local agencies or local governments	Monitor Natural Events Action Plans and other community initiatives in San Luis Valley, Lamar (to support maintenance SIP) and Grand Valley – Grand Junction area Provide assistance to Garfield County community-based initiative to address natural gas development concerns Work to Identify other at risk areas through monitoring or other methods	All Ongoing
4.1.1.19 Protection public health through the development of maintenance SIPs and redesignation requests for current nonattainment areas in Colorado	- Work with EPA on Ozone Standard Designations - Prepare 2011 Particulate Standard Designations - Prepare 2011 Carbon Monoxide Standard Designations	Designations to occur in accordance with EPA implementation rule December 2011 Hearing for

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
	-Update Interstate Transport SIP to include 2006 PM2.5 NAAQS in the contributing to nonattainment and interfering with maintenance provisions of CAA Section 110.	Interstate Transport SIP
4.1.1.20 Protect public health through monitoring transportation conformity of MPO and CDOT programs and projects – Regulation No. 10	Conformity determinations for Metropolitan Planning Organizations (MPOs) along Front Range.	Ongoing
4.1.1.21 Protect public health through the support of NEPA activities including review of air quality impacts disclosed in NEPA documents	Review and comment document/letters prepared for NEPA documents and follow up as appropriate Environmental review and comment	Ongoing
4.1.1.22 Protect public health through implementation of fire management and control programs	<ul style="list-style-type: none"> - Implement prescribed fire program (develop MOU and issue permits for significant users of prescribed fire through implementation of state-only program through Reg. No. 9: Open Burning, Prescribed Fire and Permitting.) - Implement general open burning program - Conduct oversight to ensure that permittees implement best air quality protection practices in prescribed burning events - Implement local delegation component of program - Begin implementing recommendations from report developed by HB-09-1199 mandate to review and evaluate Smoke Management Program. Recommendations focus on improved and simplified permitting, communications, monitoring and observation of fires and smoke, resource identification and data analysis. 	<p>Ongoing</p> <p>Ongoing</p>
4.1.1.23 Regional Modeling – for ozone and other purposes	Implement 3-state pilot program: monitoring, emissions/data warehouse, as identified in the “2010 Three-State Pilot Project: Air Monitoring Site Installation and Operation, Emissions Inventory Data Warehouse Development – Colorado Workplan and Budget.” This implementation is contingent on receiving adequate funds and support of partner states (Wyoming, Utah).	Ongoing through 2013 New ozone site near Maybell being installed.
MONITORING, EMISSION INVENTORIES AND MODELING – TECHNICAL SERVICES PROGRAM		
4.1.1.24 Track indicators through monitoring, maintaining inventories and modeling	<p>Per Quarterly CFR Schedule, submit all ambient criteria pollutant data to the Air Quality System (AQS)</p> <p>Per the Exchange Network requirements for regulatory and national system reporting, submit XML-formatted AQS data.</p>	<p>Ongoing</p> <p>End of 2012</p>

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality

CEPPA FY2012 Update

Colorado Sub-goal 4.1.1: Attain and maintain existing standards for criteria pollutants: Ozone, Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter (PM-10 & 2.5) and Lead		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
	<ul style="list-style-type: none"> - Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning - Implement NCore monitoring station as approved by EPA - Maintain awareness of requirements for monitoring for new ozone, nitrogen dioxide and sulfur dioxide rules. Install sites as needed to meet requirements. - Maintain awareness of new requirements for Exceptional Events. Flag data in AQS related to natural and exceptional events. Develop and submit documentation to EPA - Fully implement additional required source-oriented lead monitoring stations. Site will operate on an every sixth day basis according to the EPA national sampling schedule. 	<p>Ongoing</p> <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p> <p>Completed. Site at Centennial Airport commenced operation in early 2010.</p>

Colorado Sub-goal 4.1.2: Reduce air toxics. Protect citizens from exposure to air toxics.		
<i>(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)</i>		
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality		
Program Strategy	Performance measures	Milestone
<p>4.1.2.1 Reduce air toxics through the ongoing operation of mobile source strategies</p> <p>Regulation No. 11 – A.I.R. Program</p> <p>Regulation No 12 – Diesel Inspection</p> <p>Smoking vehicles</p> <p>Clean fuels</p>	<p>Activities and milestones are described in earlier work plan tasks section 4.1.1. parts 1-6</p> <p>Research and evaluate mobile source toxic emission reduction and prevention strategies</p> <p>Monitor California LEV program to assess potential for additional emission reductions for several parameters including: vehicle certification, and reformulated gas rules.</p> <p>Conduct an analysis of Colorado fuel market including: volatility, ethanol content, market status and other parameters</p> <p>Contribute to division inventory report of actual annual emission data using new EIS system from Type B</p>	<p>Ongoing</p>
<p>4.1.2.2 Reduce air toxics through operation of stationary source control strategies-MACT</p>	<p>Activities and milestones are described in earlier work plan tasks section 4.1.1. parts 7-20</p>	<p>Ongoing</p>

Colorado Sub-goal 4.1.2: Reduce air toxics. Protect citizens from exposure to air toxics.

(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality

Program Strategy	Performance measures	Milestone
implementation: - Construction and Operating Permit Programs - Small Business Assistance Program - Compliance monitoring and enforcement of stationary sources - Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations - Fire management and control programs		
4.1.2.3 Support reduction of air toxics through regulation update	Revise Reg. No. 8 Parts A & E incorporating MACT and NESHAP rulemaking updates and development of cooperative federal/state work plan. To include: funding options; addressing 112(j) compliance deadlines; development and implementation of area source rules; development of information; incorporation of pollution prevention where appropriate; and analyses regarding air toxics	Annual MACT updates in June and December

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 5.1 Enforce Environmental Laws

4.1.2.4 Reduce asbestos exposure to the public through operation of the Asbestos Program	Conduct 200 inspections for compliance with Regulation No. 8 and NESHAP Review notifications; issue abatement and demolition permits Process certification applications; issue certifications Initiate enforcement actions; timely and appropriate resolution of cases Conduct outreach activities Incorporate requirements in local health department contracts Conduct Rulemaking, as necessary Enter data into a database for all asbestos NESHAP notifications and enforcement actions	Ongoing
4.1.2.5 Reduce occurrences of asbestos in schools (CDPHE will implement activities as described in work plan narrative)	Implement the TSCA Asbestos-in-Schools Program according to federal and state rules Conduct 48 TSCA/AHERA inspections	Ongoing

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 4.1 – Ensure Chemical Safety

Colorado Sub-goal 4.1.2: Reduce air toxics. Protect citizens from exposure to air toxics.

(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality

Program Strategy	Performance measures	Milestone
EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 5.1 – Enforce Environmental Laws		
4.1.2.6 Protect public health through implementation of a Lead-based paint certification and abatement program. Where possible, provide financial assistance to the Disease Control and Environmental Epidemiology Division's Lead Poisoning Prevention Program (LP3). LP3 to perform database management activities related to the identification of populations at risk for childhood lead poisoning to aid APCD in identifying hotspots.	<ul style="list-style-type: none"> Issue permits Conduct 20 inspections for compliance with Regulation No. 19 Process Certification applications, issue certifications Conduct course audits Initiate enforcement actions, timely and appropriate resolution of cases Distribute educational materials Partner with local health departments. Partner with state and local housing agencies Conduct Rulemaking as necessary Focus compliance assistance on those populations identified as being at-risk for childhood lead poisoning by maintaining the State's EBL surveillance database. 	Ongoing
4.1.2.7 Support protection of public health by non-regulatory HAP source evaluations (coordination with CDPHE Environmental Epidemiology)	<ul style="list-style-type: none"> HAP source evaluation Respond to indoor air quality complaints 	Ongoing
4.1.2.8 Support protection of public health through operation of a stationary source emissions and facility data system	Maintain emissions and facility data system, enter and quality control emissions data from new, revised and renewed APENs	Ongoing
4.1.2.9 Support protections of public health through development of mobile source toxics emissions inventory	<ul style="list-style-type: none"> Conduct motor vehicle mass emissions testing Generate mobile source emission factors Research additional source categories for Colorado Diesel Emissions Study 	Ongoing
4.1.2.10 General Air Toxics Program	<ul style="list-style-type: none"> - Continue review National Air Toxics Assessments data and comment on proposed rules and policy - Work with other Division programs to seek funding for additional monitoring and grant funding (such as DERA grants) - Complete additional diesel school bus retrofits contingent upon receipt of DERA funds - Improve oil and gas related emission inventories with additional focus on diesel truck traffic - Continue joint participation with EPA and community stakeholders in Northeast Denver Project (Healthy Air for Northeast Denver) as needed 	Ongoing

Colorado Sub-goal 4.1.2: Reduce air toxics. Protect citizens from exposure to air toxics.

(Note: Many of the programs or strategies listed in this section were described in detail earlier therefore they are only highlighted here. Where new areas are identified they are described in full.)

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality

Program Strategy	Performance measures	Milestone
4.1.2.11 Implement cross-media initiatives	Continue implementation of mercury reduction initiatives at Colorado Dept. Public Health and assist in development of Mercury TMDL Continue coordination with other CDPHE programs in development and implementation of: Cross Media Programs, and Environmental Coordinating Committee	Ongoing Ongoing
4.1.2.12 Track program indicators through other program monitoring, maintaining inventories and modeling	Operate and maintain gaseous/continuous sites statewide Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests. Conduct Special Gaseous Monitoring Projects Operate Particulate Monitoring System Continue National Air Toxics Trends monitoring site in Grand Junction: Maintain and repair VOC/carbonyl, PAH, hexavalent Cr and PM10/metals monitoring equipment. Install and maintain additional equipment as required. Perform calibrations and audits on the equipment. Interpret and report data received from the analytical lab. Submit metals data to AQS within 90 days after the end of each quarter. Provide quarterly analysis updates. Perform monitoring according to the NATTS QAPP. Review and Update QAPP as necessary. Assist Garfield county in special monitoring study Modify and Update EPA AQS System Produce Annual Air Quality Data Report QA / QC Review and Report Project Produce Annual Network Plan. Review Site Files Development of an Integrated Approach / Methodology for Inventory Development	Ongoing Ongoing As needed Ongoing Ongoing Ongoing. 2011 Community-Scale Air Toxics Grant application submitted. Ongoing Ongoing Ongoing July 1 each year Ongoing

Goal 4.2: Achieve levels of air quality in Colorado that protects the integrity of the natural ecosystem.

The key strategic targets to achieve this goal include: implementation of Acid Deposition Program
Implementation of PSD program, implementation of CFC control programs, development and implementation of cross-media programs to reduce Mercury and, encouragement, where appropriate, of voluntary emission control activities to reduce Greenhouse Gas Intensity.

Sub goal 4.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected. Sub goal 4.2.2: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. Sub goal 4.2.3: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. Sub goal 4.2.4: Protect environment from Mercury contamination – EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality, and Objective 1.3 Restore the Ozone Layer		
Program objective	Performance measures	Milestone
4.2.1.1.1 Ensure acid rain minimized through operation of construction and operating permit programs	Permits issued to utilities	Ongoing
4.2.1.1.2 Ensure acid deposition emissions are minimized through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications for utilities Evaluate excess emission reports for utilities	Ongoing
4.2.1.1.3 Ensure acid rain minimized through updates to Regulation No.18 as necessary	Revised regulation	Ongoing
4.2.1.4 Support technical assessment of Mt. Zirkel AQRVs	Process coordination and communication with EPA, USFS and USGS Develop a plan for assessing the ecological impacts of acid deposition in the State, especially as it may impact vulnerable, acid-sensitive ecosystems, with attention to possible cause-and-effect relationship between emission sources and impact areas. Conduct additional data analyses on Mt. Zirkel Respond to any format triggering of AQRV law Assist with preparation of report on Mt. Zirkel analyses and comparative studies, including the effects of emission reductions from Craig and Hayden utilities	Ongoing December 2012
4.2.1.5 Support AQRV studies in Colorado	CDPHE acid deposition web page Coordinate funding and communication between federal agencies and state	Ongoing

Sub goal 4.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected. Sub goal 4.2.2: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. Sub goal 4.2.3: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. Sub goal 4.2.4: Protect environment from Mercury contamination – EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality, and Objective 1.3 Restore the Ozone Layer		
4.2.1.6 Implementation of Rocky Mountain National Park Initiative	<ul style="list-style-type: none"> - Annually assess monitoring/research data - Agricultural outreach program focusing on Best Management practices developed - Improved Ammonia inventory developed - Modeling analyses conducted to support emission reduction options (e.g. BART analyses for Regional Haze) - Focus additional attention to RMNP in regard to AQRV impairment 	Ongoing
4.2.2.2.2 Protect stratospheric ozone levels through minimizing emissions of CFCs from applicable sources	Equipment registration and facility notification Inspections (both state and local agencies) for compliance with Regulation No. 15 Training and outreach (including pollution prevention)	Ongoing
4.2.3.1 Ensure man-made climate change impacts minimized	<ul style="list-style-type: none"> - Develop policies and regulations as needed to implement the federal GHG reporting and tailoring rules. - Integrate EPA tailoring rule in to Colorado Regulations by 1/2/11. - Begin issuing Title V and PSD permits for GHG as provided in tailoring rule by 1/2/11. - Monitor and evaluate reduction strategies - Monitor legislative activity locally and nationally - Continue to coordinate with efforts to implement Governor's Climate Change Initiative and greening Government Executive Order - Continue to coordinate with efforts to implement Governor's Climate Action Plan 	Policies and/or regulations developed to allow state implementation of the federal GHG reporting and tailoring rules as necessary or directed by EPA. Submit letter to EPA by 8/2/10 regarding State plans for Tailoring Rule. Begin issuing Title V and PSD permits per tailoring rule by 1/2/11. Ongoing

Sub goal 4.2.1: Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected. Sub goal 4.2.2: Stratospheric ozone protection – Ensure programs to control CFC compounds are maintained. Sub goal 4.2.3: Climate change – Ensure carbon dioxide emission inventories are complete and trends in emission levels are assessed. Sub goal 4.2.4: Protect environment from Mercury contamination – EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality – Objective 1.2 Improve Air Quality, and Objective 1.3 Restore the Ozone Layer		
4.2.4.1 Colorado Mercury Initiative developed through cross-media programs	CDPHE Strategic Programming process (see discussion in Chapter 2 of PPA Assist the Water Division development of Mercury TMDLs and ongoing assessment of emissions and deposition.	Ongoing

Goal 4.3: Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors.

The key strategic targets to achieve this goal include: the continued implementation of Maintenance SIP revisions for Nonattainment Areas (specific strategies to reduce visibility impairing pollutants); the implementation of community-based programs; ongoing state permit and compliance programs; the development of a Regional Haze SIP with other states; and, encouragement, where appropriate, of voluntary emission control activities.

Sub-goal 4.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality -- Objective 1.2 Improve Air Quality		
Program objective	Performance measures	Milestone
4.3.1a.1 Reduce pollutants causing haze through the operation of mobile source strategies: Reg. No. 11 – A.I.R. Program Reg. No 12 – Diesel Inspection Smoking vehicles Clean fuels	Described earlier	Described earlier

Sub-goal 4.3.1a Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality -- Objective 1.2 Improve Air Quality

Program objective	Performance measures	Milestone
4.3.1a.2 Reduce pollutants causing haze through the operation of the stationary sources program objectives Operation of Construction and Operating Permit Programs Small Business Assistance Program Compliance monitoring and enforcement of stationary sources Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations	Described earlier in work plan	Described earlier
4.3.1a.3 Support reduction of haze-causing pollutants through regulation updates	Described earlier in work plan	Described earlier
4.3.1a.4 Track program indicators through urban haze monitoring, inventories and modeling	Operate visibility monitoring network in Denver and Fort Collins (transmissometer and camera) High Pollution Day Forecasts in Winter Sample speciation and CMB modeling	Ongoing
	Operate and maintain gaseous/continuous sites statewide Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests. Operate Particulate Monitoring System Operate and maintain Meteorological Monitoring Equipment Operate Denver Visibility Cameras Air Quality Forecasting and Air Quality Index (AQI) Reporting	Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing

Sub-goal 4.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality -- Objective 1.2 Improve Air Quality

Sub-goal 4.3.1b Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development of a Colorado Regional Haze SIP revision

EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality -- Objective 1.2 Improve Air Quality

Program objective	Performance measures	Milestone
4.3.1b.3 AQRV monitoring for Mt. Zirkel	Maintain close coordination with the USFS, EPA, and USGS Maintain ongoing communication with stakeholders and the public Support of snowpack sampling in the Zirkel area through annual contract with USGS Keep current on AQRV Zirkel-related work by other agencies	Ongoing
4.3.1b.4 Continue implementation of effective fire and smoke management and prescribed fire program	Finalize and distribute 3-year vision of the SMP Develop and revise, as needed, Wildfire Response Plan. During wildfire events and large PF, assist land managers in conducting PM monitoring. Coordinate with PIO and meteorologist. Participate in the Front Range Fuels Partnership as appropriate Work with local communities and partnerships to address wildland fuels treatment as needed Incorporate smoke management plan into Regional Haze SIP Long Term strategy, as appropriate	Ongoing Ongoing Ongoing Ongoing Complete
4.3.1b.5 Track program effectiveness indicators through haze monitoring, inventories and modeling	- Coordinate with Federal agencies and private entities conducting visibility, lake chemistry and acid deposition monitoring and research in Colorado. Agencies and contractors, to varying degrees, are also involved in AQRV model development. - Perform audits of IMPROVE samplers - Assist with analysis of trends in Zirkel IMPROVE data and precipitation chemistry data to assess the impacts of new controls at Craig and Hayden power generation facilities	Ongoing Ongoing Ongoing

Chapter 5 WATER QUALITY CONTROL DIVISION

5.1 Mission

The Water Quality Control Division (Water Division) has the challenging and legally mandated responsibility of maintaining, restoring and improving the quality of the state's waters and assuring that safe drinking water is provided from public water systems for the people of the state. In short, the Division's mission is to ensure that the state's waters attain and maintain that level of water quality necessary to protect designated beneficial uses and that all public water systems consistently provide safe drinking water. In order to meet these responsibilities, Water Division staff implement delegated programs authorized by the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), and Colorado statutes.

5.2 Clean Water Act Program

A complete Clean Water Program consists of the following strategic functional elements: ambient water quality monitoring; water quality assessment; standards development (e.g. providing scientific support for adoption of standards and other control regulations by the Water Quality Control Commission); water quality management planning and Total Maximum Daily Load (TMDL) development; control mechanisms (including permitting, facility siting approval), engineering plan review and approval; compliance assistance (including facility planning and financial assistance); compliance assurance (including evaluation of self reported data, compliance sampling inspections, facility inspections and enforcement); and water quality restoration and enhancement efforts.

5.3 Safe Drinking Water Act Program

Drinking Water Program strategic functional elements include: source water protection; regulatory development (i.e., developing treatment standards and performance requirements for public water systems for adoption by the Water Quality Control Commission); control mechanisms (i.e., ensuring public water systems comply with promulgated treatment standards); data management; compliance assistance (including engineering plan review, sanitary surveys, capacity development, technical assistance and financial assistance); compliance assurance including compliance surveillance monitoring and compliance inspections (i.e., sanitary survey follow-up); and formal enforcement using civil or criminal authorities as appropriate.

5.4 Water Quality Control Division – Organizational Structure

The Water Quality Control Division, in total, consists of the following organizational units, which address all of the above strategic functional elements of water quality management under authority of the CWA and the provision of safe drinking water under the authority of the SDWA. Figure 5.1 shows the Water Division's current organizational chart.

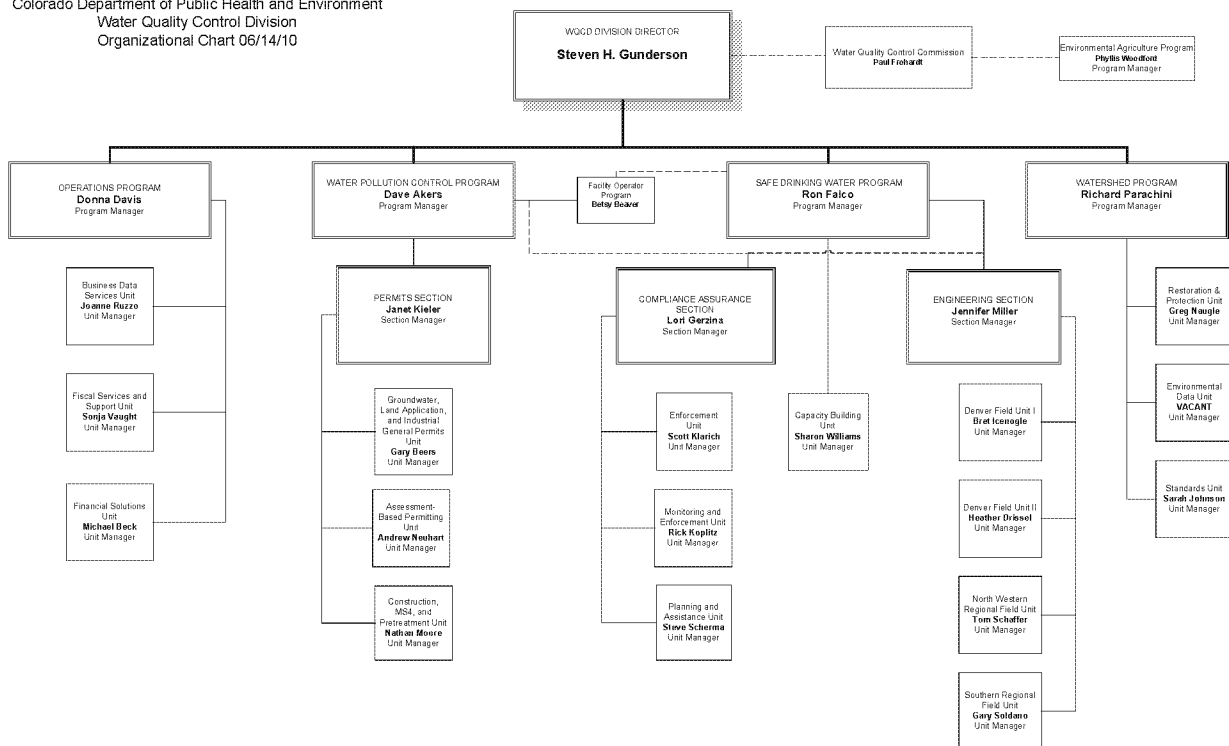


Figure 5.1

5.5 Water Quality Control Division Challenges for FY 2011-2012

5.5.1 The Regulated Community

The size of the regulated community for which the Water Quality Control Division is responsible is daunting. For example, there are over 100,000 stream miles in the state with designated water uses and standards assigned to them. The Division has issued over 2400 water discharge permits to municipalities and industries and approximately 5000 stormwater permits. There are nearly 2000 active public drinking water systems in Colorado, with 20% of these systems serving 80% of the population. Colorado has drinking water systems and wastewater treatment systems in parts of the state where they didn't exist a generation ago. In addition, new federal requirements, both with respect to the Clean Water Act and Safe Drinking Water Act, have imposed challenges on both the Division and its regulated community. Small communities with resource limitations present especially difficult challenges meeting these requirements.

How Does the Division Address These Challenges?

- **Compliance Assistance.** The Division helps dischargers and water systems by answering regulatory and technical questions, conducting training, etc.
- With respect to dischargers, there are a variety of regulatory processes that can provide time to comply, including Temporary Modifications to standards and compliance schedules in permits.
- Enforcement when necessary.
- Dischargers can seek site-specific standards based on local conditions.
- Low Interest and Zero Interest Loans through the Division's partner agency the Colorado Water Resources and Power Development Authority.
- **Source Water Protection.** Colorado is blessed by being the headwaters for most of the nation. As development occurs at higher elevation and elsewhere in the state, efforts in communities, with the help of the Division to protect the watershed of drinking water systems is being accelerated.
- **Water Quality Improvement Fund.** State House Bill 06-1337 established a fund for addressing various water quality issues, including providing grants for stormwater projects, designing, construction, or upgrades of domestic wastewater treatment plants, and non-point source projects. The Fund consists of penalties collected as a result of

violations in accordance with the Colorado Water Quality Control Act. This fund is appropriated only \$117,000 per year by the State Legislature.

5.5.2 Resource Needs for the Division

State Senate Bill 03-276 required that the Division consult with the WQCC, BOH and interested parties in addressing a list of identified questions that addressed implementation of the Clean Water Act and Safe Drinking Water Act at the State level. After an extensive outreach and stakeholder process, the Division issued the SB 276 Report, which answered the identified questions and also projected a resource gap between the Division's available staffing and resources at the time and what was needed to fulfill that gap in demand. In the 2006 and 2007 legislative sessions, the legislature provided a total of 22 FTE (10 drinking water, 12 clean water) using a combination of fee and general funds. In 2009 the Division provided an updated estimate of resource needs as required by the General Assembly under footnote 53 to the Long Bill identifying an FTE need over the next three years of 71.3 FTE.

Water Quality Control Division FY2011- 2012 Updated Workplan

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.0 Ambient Water Quality Monitoring - Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
1.1 Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data. (Watershed Program Multi-Year Priority)	1.1.1 Conduct monitoring for all basins to support triennial reviews, preparation of the Integrated Report, and evaluations of PS/NPS infrastructure investment effectiveness in targeted waterbodies.	1.1.1.1Chemical data will be managed in local <u>EQuIS</u> , for use in basin-wide assessments.
	1.1.2 Pursue and continue development of a statewide ambient ground water monitoring plan.	1.1.2.1 Continue to sample ambient ground water.
		1.1.2.2 Participate in GWPC.
		1.1.2.3 Assess and coordinate regarding ground water quality and associated issues with other state agencies.
1.2 Development and Implementation of a Comprehensive Monitoring Strategy.		
1.2.1 Number of states and territories that have adopted and are implementing their monitoring strategies [The 10 Elements] in keeping with established schedules (FY11WQ-5; FY12 WQ-5).	1.2.1.1 a) Continue implementing Colorado’s Water Quality Monitoring and Assessment Strategy (The 10 Elements) 2004-2014. b) Update The 10 Element strategy for EPA as necessary to reflect current conditions. c) Develop annual feedback loop with EPA R8 to report/discuss progress of The 10 Elements implementation.	1.2.1.1.1 a) Enhanced annual monitoring plan fully developed by June 30 each year. b) Annual feedback loop with EPA R8 [on The 10 Elements] in place by mid-year update. c) Electronic data flow improvement between WQCD, LSD (lab), and STORET ongoing. d) Upload state water quality data into national STORET warehouse annually by September 30.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.2.2 Develop categorical grant application and work plan for the SFY10 Monitoring Initiative to advance specific portions of The 10 Elements strategy. Coordinate with EPA staff to develop categorical grant application for the SFY10 Monitoring Initiative. (FY11 Action; FY12 Action)	1.2.2.1 a) Develop detailed Monitoring Initiative work plan. b) Additional laboratory analyses of stream and reservoir water samples to expand scope of chemical and biological data. c) Request Monitoring Initiative Grant for National Lake Assessment Probabilistic Survey.	1.2.2.1.1 a) Workplan developed in Fall –2011 b) SFY12 Monitoring Initiative tasks completed by Sept 30, 2012. c) Summarize results in annual 305(b) Report. d) Work plan and application for FFY11 Monitoring Initiative in Fall / Winter –2011.
1.2.3 Assist in developing a comprehensive statewide wetland program strategy. (WT-4)	1.2.3.1 Participate in the development a comprehensive statewide wetland program strategy with EPA and the other state “implementing agencies”.	1.2.3.1.1 Follow-up meetings scheduled by EPA such that roles and responsibilities of the various state and federal agencies are clarified.
2.0 Water Quality Assessment and Standards Development – Assess quality of state waters to support decision-making.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
2.1 Assess Whether Fish are Safe to Eat		
2.1.1 Percentage of lake acres & river miles where fish tissue will be assessed to support waterbody-specific or regional consumption advisories, or a determination that no consumption advice is necessary. (FY11 FS-1a and 1b; FY12 FS-1a and 1b) (Watershed Program Multi-Year Priority)	2.1.1.1 To monitor and assess fish tissue data for mercury, (and where relevant selenium and arsenic) from 7 waterbodies: (reservoirs, lakes and rivers)	2.1.1.1.1 a) Issue or rescind FCAs where appropriate. b) Update on National List of Fish Advisories. c) Develop and implement statewide fish consumption guidelines.
2.2 Assess Quality of State Waters to Support Decision Making and Document Changes Over Time		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.1 Protect and Improve Water Quality on a Watershed Basis - By 2012, improve water quality conditions in 250 impaired watersheds nationwide using the watershed approach (cumulative). (FY11 SP-10, SP-11, SP-12, WQ-10; FY12 SP-10, SP-11, SP-12, WQ-10)	2.2.1.1 a) River, stream and lake segmentation will be available in a GIS environment. b) Determine the distribution of water quality standards impairment by watershed. c) Information from the 303(d) and M&E Lists will be managed in a database that can be linked to GIS information. d) Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	2.2.1.1.1 a) Maintain linkage between database for 303(d) and M&E List Information and reach indexed NHD coverage. b) FY11 – 1 watershed (third of four for the 2012 target) c) FY12 – tentative target of 4 watersheds. (Target is cumulative from FY2008 through FY2012)
2.2.2 Number of waterbodies identified in 1998 as not attaining standards where water quality standards are fully attained. (21,632 waterbodies; 255,408 miles and 6.8 million acres) (FY11 SP-10; FY12 SP-10).	2.2.2.1 Document water quality improvement over time.	2.2.2.1.1 Using the tools developed in Activity 2.2.1; continue tracking how many of the impaired segments from the 1998 303(d) list are fully attaining water quality standards as of 4/1/12.
2.2.3 Number of States, Interstate Agencies, and Territories that provide comprehensive integrated assessments of the condition of their waters consistent with sections 305(b) and 303(d) of the Clean Water Act and EPA's integrated assessment guidance. (FY11 Action; FY12 Action) (Watershed Program Multi-Year Priority)	2.2.3.1 Provide consistent and accurate assessment of the State's surface waters and provide the information to EPA and the Public.	2.2.3.1.1 Start the process to develop Colorado's 2014 Section 303(d) Listing Methodology in an open and public process.
	2.2.3.2 Prepare and submit the 2012 Integrated Report.	2.2.3.1.2 Develop the 2012 Integrated Report by 4/1/2012.
2.2.4 Utilize Assessment Database (ADB) and GIS to record monitoring and assessment decisions (FY11 WQ-7; FY12 WQ-7).	2.2.4.1 Continue to update ADB and associated GIS coverages with assessment data.	2.2.4.1.1 Updated ADB and GIS by 4/1/12 as submitted in 2012 Integrated Report.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.5 Number of waterbodies identified by States in 1998 (or subsequent years) as being primarily nonpoint source impaired that are partially or fully restored (cumulative). [Estimated 6,264 waterbodies impaired solely or partially by nonpoint source] (FY11 SP-12 (previously WQ-10); FY12 SP-12 (previously WQ-10) (Watershed Program Multi-Year Priority)	2.2.5.1 a) Develop the ability to track impairment by source as well as pollutant. b) Identify candidate water bodies and document successes based on the 1998 303(d) list and subsequent 305(b) or integrated reports and complete nonpoint source projects. c) Determine improving water quality and progress towards attaining applicable water quality standards and classifications.	2.2.5.1.1 a) Using the tools developed in Activity 2.2.1, continue to determine the number of waterbodies that are being impaired by nonpoint sources. b) Submit a minimum of one draft success story for EPA consideration in FY2011 based on the 1998 303(d) list, the third toward the target of a minimum of four draft success stories submitted by FY2012.
2.3 Water Quality Criteria and Standards Development		
2.3.1 Number of States & authorized Tribes that have completed a review of water quality standards within three years of the previous triennial review under Section 303(c) of the CWA(FY09 WQ 3a; FY10 WQ-3a), and percent of State and Territorial WQS submissions received in the 12 month period ending April 30 th that are approved by EPA (FY10 WQ-4a; FY11 WQ-4a).	2.3.1.1 Continually review water quality standards and revise them if necessary in accordance with State and Federal statute and Water Quality Control Commission schedule.	2.3.1.1.1 a) Scoping Hearing Reg #32 and #36: 10/2011 b) Formulation Hearing Reg #34 & #35: 2/2012 c) Rulemaking Hearing Reg #31 & #85 (Nutrients): 3/2012 d) Rulemaking Reg #34 & #35: 9/2012 e) Scoping Hearing Reg #33 & #37 f) Report on number of WQS actions submitted and approved by EPA.
2.3.2 Number of numeric water quality standards for total nitrogen and for total phosphorus adopted by States and Territories and approved by EPA, or promulgated by EPA, for all waters within the State or Territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries (cumulative, out of a universe of 280). (New FY11-WQ1a) (Watershed Program 2010-11 Priority)	2.3.2.1 Continue to implement the Nutrient Criteria Development Plan for Colorado, September 26, 2002, Colorado Department of Public Health & Environment, or any revisions to this plan.	2.3.2.1.1 a) Revise Nutrient Criteria Development Plan after completion of initial rulemaking proceeding (3/2012); submit plan to EPA by 9/30/2012 b) Provide work products on the tasks identified in milestone schedule and number of applicable standards actions.
2.3.3 Number of numeric water quality standards for total nitrogen and total phosphorus at least proposed in draft by States and Territories, or by EPA proposed rulemaking, for all waters within the State or Territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries (cumulative, out of a universe of 280). (New FY11 WQ-1b) (Watershed Program 2010-11 Priority)	2.3.3.1 Continue to implement the Nutrient Criteria Development Plan for Colorado, September 26, 2002, Colorado Department of Public Health & Environment, or any revisions to this plan.	2.3.3.1.1 a) Revise Nutrient Criteria Development Plan after completion of initial rulemaking proceeding (3/2012); submit plan to EPA by 9/30/2012 b) Provide work products on the tasks identified in milestone schedule and number of applicable standards actions.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.3.4 Number of States and Territories supplying a full set of performance milestones information to EPA concerning development, proposal, and adoption of numeric water quality standards for total nitrogen and total phosphorus for each waterbody type within the State or Territory (annual; universe is 56). (New FY11 WQ -1c) (Watershed Program 2010-11 Priority)	2.3.3.1 Continue to implement the Nutrient Criteria Development Plan for Colorado, September 26, 2002, Colorado Department of Public Health & Environment, or any revisions to this plan.	2.3.3.1.1 a) Revise Nutrient Criteria Development Plan after completion of initial rulemaking proceeding (3/2012); submit plan to EPA by 9/30/2012 b) Provide work products on the tasks identified in milestone schedule and report on at least an annual basis.
3.0 Water Quality Management Planning and TMDL Development – Assure that the watershed approach becomes an effective organizing principle for improving water quality.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
3.1 Support the development and implementation of watershed restoration plans.		
3.1.1 Continue development and implementation of the Statewide Water Quality Management Plan. Continue to integrate updated 604(b) work plans with designated regional water quality planning agencies to support the watershed approach. (Watershed Program 2011-2012 Priority)	3.1.1.1 Support coordinated regional water quality planning and integrate those efforts with the ongoing work in the four designated COG areas	3.1.1.1.1 Submittal of annual grant application and agency work plans to EPA for approval. Execution of purchase orders or contracts with planning agencies.
3.1.2 Number of water segments known to be impaired or threatened based on Colorado 1998 303(d) list for which State and EPA agree that the waterbody is fully restored, partially restored, or initial restoration planning is complete (FY11SP-10, SP-11, WQ21; FY12 SP-10, SP-11, WQ21).	3.1.2.1 Continued completion of restoration planning and implementation to improve water quality in waterbodies not attaining water quality standards.	3.1.2.1.1 a) Targeted number of water segments fully restored in FY11 (SP-10); <u>1</u> b) Targeted number of water quality impairments restored in FY11 (SP-11); <u>1</u> c) Targeted number of water segments for which water quality restoration planning is complete in FY11 (WQ-21): <u>1</u>
3.1. 3 Improve water quality conditions in impaired watersheds nationwide using the watershed approach (cumulative) (FY11 SP-12; FY12 SP-12).	3.1.3.1 Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	3.1.3.1.1 a) FY11 – 1 watershed b) FY12 – tentative target of 4 watersheds. (Target is cumulative from FY2008 through FY2012)
3.1. 4 Number and national percent of TMDLs that are developed by States and approved by EPA on a schedule consistent with national policy (FY11 WQ-8a & 8b; FY12 WQ-8b)	3.1.4.1 Continue to develop TMDLs for Colorado's impaired waters in accordance with EPA guidance and State policy.	3.1.4.1.1 Submit 25 TMDLs for approval by EPA between 7/1/2011 and 6/30/2012.
4.0 PERMITTING PROGRAM -		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
4.1 Complete a comprehensive assessment of NPDES program integrity and, as appropriate, establish an implementation schedule.	4.1.1 Continue to implement action items identified from EPA's Permitting for Environmental Results strategy.	4.1.1.1 In accordance with WQ-11: the Division will report on the number of follow up actions completed as result of a comprehensive assessment of NPDES program integrity.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.1.1.2 . There are no identified actions for FFY 12.
4.2 Continue to address concerns regarding backlog in the NPDES program.	4.2.1 80% of all permits (excluding stormwater general permit certifications) are current at the end of FY12 and 95% of the number of priority permits committed to be issued in PMOS are issued by the end of FY12. If the number of expired permits is greater than 30% at any time, Colorado shall provide an overall permit issuance/backlog reduction plan showing how the state will expeditiously reduce the backlog to 10%. The Division recognizes that the 80% commitment is not consistent with the national goal of 90% and will continue to work toward addressing the issues that prevent the Division from being able to sustain a commitment of 90% current.	4.2.1.1 In accordance with <u>WQ-12a</u> : the Division will report the percentage of all non-tribal NPDES permits that are considered current (excluding stormwater general permit certifications). The Division will update EPA's Permit Management Oversight System (PMOS) for individual permits that are not included in ICIS (currently this universe is MS4 individual permits) and non-stormwater general permits. EPA will use ICIS information for individual non-MS4 permit counts
4.3 Report on the number of facilities covered by an individual or general permit.	4.3.1. The following categories (reported separately). 13a: Number of MS4s; 13b: Number of industrial stormwater facilities; 13c: Number of construction stormwater facilities; and 13d: Number of CAFOs	4.3.1.1. In accordance with <u>WQ-13a-d</u> . The Division will report on these permit numbers through EPA's PMOS database.
4.4 Achieve environmental results through the timely issuance of high priority permits.		4.4.1.1 In accordance with <u>WQ-19a</u> : The Division will enter a high priority permit commitment in EPA's PMOS database. The Division will submit the number of priority permits by the September 30, 2011 deadline provided that EPA provides the draft list in adequate time. The Division will develop the list and update EPA's on the status of these permits through EPA's PMOS database.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.5 Number of dischargers with permits providing for trading between the discharger and other water pollution sources.		4.5.1.1 In accordance with WQ-20: the Division will report on the Number of dischargers with permits providing for trading between the discharger and other water pollution sources
4.6 Implement a process for incorporating TMDLs with storm water allocations into general permits	4.6.1. The Division has had a longstanding practice of drafting general permits to include an allowance for site specific terms and conditions to be included in the certification. As general permits are being renewed additional language is being included to confirm that this allowance also applied to implementation of TMDLS.	4.6.1.1 The Division will report on continued implementation of this practice.
4.6 - Implement state CAFO regulations.		
4.7 Implement the State's program to address animal feeding operations that are impacting water quality.	4.7.1 Implement and update as necessary, rules to address animal feeding operations that are impacting water quality..	4.7.1.1 Complete adoption of the 2008 Final CAFO Rule, with applicable changes per the U.S. Fifth Circuit Court of Appeals decision by September 30, 2011, including providing progress reports on implementation of the 2008 Final CAFO Rule to EPA by December 31 st of each year.
		4.7.1.2 Revise CAFO general permit subsequent to regulatory updates to state regulation per 4.7.1.1 above by January 2012.
		4.7.1.3 Permit all CAFOs in accordance with applicable federal and state regulatory requirements and deadlines.
		4.7.1.4 Commence renewal of CAFO permits in April 2012 with goal of completing task by July 2013. Progress on this task will be reported to EPA per 4.7.1.1 above.
4.8 CAFO Inspections and Reporting.	4.8.1 Complete CAFO inspections in accordance with Colorado's Inspection Plan for the period of October 1-September 30 of each year.	4.8.1.1 Submit to EPA, by December 31 st of each year, an electronic copy of the CAFO inventory and status report explaining progress made toward inventory development.
		4.8.1.2 Complete a minimum of 40 CAFO compliance inspections by the end of each inspection year (i.e., Sept. 30 th of each year.)

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.8.1.3 Submit to EPA, by June 30 th of each year, an inspection status report explaining the progress made toward inspecting CAFOs, including number and percent of CAFOs inspected; identification of CAFOs inspected (i.e., permitted or unpermitted), frequency during the permit period, or five year period, i.e., to verify that CAFOs are inspected at least once every five years; and progress toward completing inspections by end of the inspection year, i.e., Sept. 30th.
		4.8.1.4 Participate in up to 4 joint/oversight EPA/State CAFO inspections in addition to any other oversight inspections that may be conducted.
		4.8.1.5 Provide electronic copies of all inspection reports and dated cover letters conducted per the state's inspection plan to EPA at the time that the inspection is sent to the operator/permittee. This shall include inspections that are substituting for a planned inspection.
		4.8.1.6 Submit to EPA by Dec. 31 st of each year a report that includes information on number of CAFOs permitted under general and individual permits, compliance assistance activities, presentations and trainings conducted for AFO/CAFO operators and /or agricultural organizations.
4.9 Pursue delegation of federal authority to implement the Biosolids and Pretreatment programs in Colorado.		
4.10 Conduct a Biosolids management program, which implements the requirements of the Colorado Biosolids Regulations while not duplicating EPA programmatic efforts.	4.10.1 Colorado continues to indicate in the fact sheet for sewage system permits that generators must be covered under the general permit from EPA. No biosolids language is included in sewage system permits since it is expected that they have separate permit coverage from EPA. Colorado continues to implement the state program that regulates land application of biosolids, a program that is consistent with the federal biosolids land application requirements.	4.10.1.1 Continue to implement the state biosolids land application regulation in and coordinate with EPA to avoid duplication of efforts

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	4.10.2 Pursue delegation of the Biosolids program from EPA.	4.10. 2.1 Report on progress of obtaining Biosolids Program delegation.
4.11 Conduct an Industrial Pretreatment Program that implements the requirements of the Colorado Pretreatment Regulations while not duplicating EPA programmatic efforts.	4.11.1 Colorado will conduct pretreatment inspections in accordance with its annual inspection plan for the period of October 1-September 30 by September 30 th of each year.	4.11.1.1 Number and Percentage of Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs) in non-pretreatment POTWs that have control mechanisms in place that implement applicable pre-treatment requirements.(WQ-14a and WQ-14b)
		4.11.1.2 Report on progress of obtaining Pretreatment Program delegation.
5.0 Compliance Assurance (for pollution control facilities) - In support of the Clean Water Action Plan, EPA Region 8 and Colorado are committed to jointly identifying priorities to ensure that permitting, compliance and enforcement resources are targeted to ensure that the largest threats to water quality are prevented and/or addressed. By March 31, 2012, the two agencies will determine which, if any,of the priorities identified in 2011 need to be revisited or if new priorities need to be added. These will be refined and agreed to as quickly as possible in order to develop detailed new commitments and previous commitments that will be reduced in scope or dropped for each agency to be included in the FY 13 PPA.		
In support of the Clean Water Act Action Plan, EPA and CDPHE will continue analysis of water quality issues of most serious concern in Colorado, and develop a work share plan to best address those concerns. Work share related to inspections will continue to be included in the FY12 inspection plan. CDPHE and EPA will consider additional work share options such as referrals of potential enforcement actions to ensure that the most serious violations are addressed..		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.1 Conduct Inspections of and/or monitor self-reported data submitted by, the state's CDPS discharges to positively determine the compliance status of regulated facilities and activities.	<p>5.1.1 Conduct NPDES inspections described in the inspection plan for the period of October 1-September 30 of each year. Complete inspection reports and enter into ICIS database by December 31st of each year. Submit draft industrial, municipal, stormwater, biosolids, pretreatment and CAFO inspection plan that includes the CDPHE inspection commitments for the coming federal fiscal year (October 1-September 30) by September 1st and finalize the plan within 15 days of receiving EPA comments. Colorado will identify and formally track significant violations detected during process water inspections to gain compliance.</p> <p>In FY12, CDPHE will work to develop Standard Operating Procedures (SOPs) for inspections and report completion and will implement the SOPs in FY13.</p> <p>Colorado and EPA Region 8 may participate in a number of joint/oversight inspections at regulated facilities during the inspection year. EPA will contact the state to schedule joint inspections at facilities identified in the Division's inspection plan.</p>	<p>5.1.1.1 Report to EPA in the State End-of-Year Report the number of each of the following inspections:</p> <ul style="list-style-type: none"> - Majors, - Minors, - SSOs, - construction stormwater - industrial stormwater - MS4 - Pretreatment industrial users - Biosolids facilities - Biosolids land application sites <p>Also, provide the status of inspection follow-up activities in the End of Year Report.</p>

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	5.1.2 EPA Region 8 plans to complete a compliance assessment of at least 75% (4 out of 5) Phase I MS4 permittees by September 30, 2013. EPA will contact the state to identify a proposed schedule and process for those assessment activities that will be conducted for the coming federal fiscal year (October 1-September 30). Although the assessments will be led by EPA Region 8, CDPHE will coordinate with and support EPA Region 8's activities. CDPHE will communicate with EPA Region 8 to incorporate assessment coordination and support activities into the inspection plan.	5.1.2.1 EPA Region 8 will provide the state with a draft of audit reports in advance of finalizing the report and sending it to the permittee. EPA Region 8 will keep the state informed of any follow-up action in advance if possible.
	5.1.3 Continue to conduct the DMR Quality Assurance program.	5.1.3.1 Follow up on all significant problems with DMR QA and provide EPA with a summary of follow-up actions.
	5.1.4 Address instances of WET failure with formal enforcement actions when a facility fails its WET test on a continuing basis and the facility is not under an enforceable schedule to determine the cause of the failures and to take appropriate action to return to compliance	5.1.4.1 Submit as part of the End-of-Year Report, a summary of actions taken to address WET violations.
5.2 Continue to implement the Sanitary Sewer Overflow (SSO) Response Strategy until such time as the SSO regulations are finalized.	5.2.1 Colorado will continue to implement its SSO Response Strategy for the next fiscal year.	5.2.1.1 Provide to EPA by October 15 th of each year, a) an updated SSO inventory; b) the number of NPDES inspections targeted to evaluate SSO issues; c) the number and type of informal and formal enforcement actions taken in response to SSOs; and d) a list of SSOs addressed. Copies of all SSO inspections and enforcement actions will be submitted to EPA.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	<p>5.2.2 Colorado has twelve (12) medium-sized municipal systems (design flows between 10-100 MGD).</p> <p>Through FFY11, Colorado will have addressed eight (8) of the twelve (12) medium systems through the performance of collection system evaluations (under prior PPA item 5.2.2), through the direct issuance of Enforcement Orders or modification of existing Orders and through the implementation of the SSO Response Strategy.</p> <p>Through implementation of the FFY12 SSO Response Strategy, by the end of FFY12, the Division will have addressed the remaining four (4) medium systems to ensure that the systems have an appropriate operation and maintenance system and adequate capacity to handle current and projected flows.</p>	<p>5.2.2.1 Provide to EPA by October 15, 2011, a) the list of Colorado's medium municipal systems from the ICIS database as of June 30, 2011. b)a summary of how, by the end of FFY12, Colorado intends to have addressed appropriate operation and maintenance and adequate capacity at each of the medium municipal systems.</p>
5.3. Compliance Assurance - Implement the federal and state laws, regulations and policies governing water quality in a timely, efficient and fair manner.		
5.3.1 Maintain a high overall compliance rate with applicable statutes and regulations	5.3.1.1 Evaluate all violations to determine an appropriate response consistent with priorities established in the Clean Water Action Plan and associated work plan strategies that focus on achieving environmental outcomes. Colorado will review, and may deviate from, existing enforcement policies as the WPC Program aligns itself with the Clean Water Action Plan.	5.3.1.1.1
		5.3.1.1.2 Continue to implement the draft Enforcement Response Guide and Stormwater Compliance and Enforcement Strategy for construction stormwater.
		5.3.1.1.3 Continue to implement and update as necessary the State's CAFO compliance and enforcement strategy and Enforcement Response Guide.
		5.3.1.1.4 Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year and number of SNC facilities on impaired waters.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.3.1.1.5 On a quarterly basis complete the electronic explanation code sheets for the Watch List and forward to EPA Region 8.
		5.3.1.1.6 In the interest of conserving resources, Colorado agrees to EPA being the lead agency on all 404 enforcement actions that have associated CWA section 402 violations, except where EPA determines that combined cases may not be in the best interest of the litigation. Colorado will have the opportunity to join the 402/404 case if it is a judicial referral.
		5.3.1.1.7 EPA will perform inspections in support of national enforcement initiatives and will provide the state with notice of the inspection in advance if possible. At the state's discretion, it may attend the inspection in an observer/consulting role. EPA will conduct inspection follow-up and enforcement for those facilities it inspects. The state will be given the opportunity to join any national case that includes violations discovered as a result of any EPA inspection in Colorado or, where no national case is filed, the state will be given the option of joining if the case is filed as a judicial referral. Where the state has joined EPA in a national referral case, the state will inspect sites targeted after any consent decree is final. EPA will keep CDPHE informed of the developing Energy Extraction National Enforcement Initiative and discuss implementation opportunities during quarterly meetings in FY11.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.3.2 Promote communication with EPA.	5.3.2.1 Facilitate EPA oversight.	5.3.2.1.1 As agreed to between Colorado and EPA Region 8, the WQCD will report to EPA: a) final settlement agreements; b) upon request, penalty calculations including justifications for adjustments and BEN for state enforcement actions concluded during the fiscal year; and c) a description of any SEPs included in the state enforcement actions concluded in the federal fiscal year.
		5.3.2.1.2 Quarterly meetings between CDPHE and EPA will be held to discuss current and projected enforcement cases, inspection commitments, work conducted in priority areas and sectors, and any other items as necessary. CDPHE and EPA have agreed to integrate permitting issues into these meetings.
		5.3.2.2.1 Provide draft SSO penalty calculations related to any cases addressing medium municipal systems to EPA for review and comment.
5.3.3 Develop and maintain comprehensive database.	5.3.3.1 Ensure that all data requirements in ICIS are being entered and reported to EPA's national data systems.	5.3.3.1.1 For all domestic and industrial entities (except the stormwater sector) with NPDES permits, enter permit facility data, permit event data and inspection data, including SSO Inspections, into ICIS. A permitting for environmental results (PER) action item has been identified by EPA regarding the completeness of latitude/longitude data for facilities and permitted features. The primary reason the data in ICIS is incomplete is that permitted feature latitude/longitude data did not migrate from PCS to ICIS. The Division commits to re enter that information for existing permitted facilities as the permits are renewed and for new facilities as the permits are issued.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.3.3.1.2 CDPHE will continue development of its Single Event Violation (SEV) business process in FY12. CDPHE will complete this work in FY 12 and will pilot the system in FY 13. CDPHE will provide updates to EPA regarding the SEV process during quarterly meetings. CDPHE will enter into ICIS, or otherwise report to EPA, single event violations related to formal enforcement actions taken during FY12.
		5.3.3.1.3 Enter inspections and enforcement actions at CAFOs with NPDES permits into ICIS. Approved Nutrient Management Plans will be added and tracked in ICIS as CAFO permit renewals are completed (see section 4.7.1.4).
	5.3.3.2 Ensure that data that is not maintained in ICIS during the state's transition period are available to EPA.	5.3.3.2.1 CDPHE will provide EPA with an electronic copy of the stormwater permit tracking system by March 31, 2012 and September 30, 2012, or until stormwater permits are entered into ICIS. Quarterly, until stormwater permits data are entered into ICIS, provide EPA with a current number of industrial and construction stormwater permits. (October 15, 2011, January 15, 2012, April 15, 2012 and July 15, 2012.)
		5.3.3.2.2 State will submit the annual non-major facilities noncompliance report for the previous calendar year in accordance with 40 CFR §123.45 (c) by July 1 unless an alternate reporting schedule is established by EPA HQ and communicated to the State early in the calendar year.
6.0 Water Quality Restoration and Enhancement Efforts - Implement activities to improve water quality and attain water quality standards as affected by nonpoint source pollutants.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
6.1 Nonpoint Source Program Implementation - Assure that the Clean Water Act Section 319 funds address high priority projects consistent with the watershed approach.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
6.1.1 Continue to provide funding for non-point source priority projects to identify solutions to non-point source pollution.	6.1.1.1 a) Update the Colorado Nonpoint Source Management Plan by January 2012. b) Identify watershed plans to be developed for high priority watersheds. c) Prepare statewide project funding list for public hearing by the WQCC. d) Submit project implementation plans for EPA Region 8 approval. e) Assure projects meet all federal and state reporting requirements. f) Report project specific progress into GRTS. g) Utilize EPA State Grant Performance Measures template for service area specific requirements.	6.1.1.1.1 a) Continue stakeholders process for updating the Management Plan. b) Encourage local entities to develop watershed plans in high priority watershed. Report number of plans or the number of requests for assistance generated by 6.1.2 on an annual basis. c) Potential project sponsors and costs identified. d) Site-specific project implementation plans developed where sponsors are identified. e) Receive EPA Region 8 approvals. f) Complete GRTS biannual updates. g) Track and report on applicable performance measures.
6.1.2 Annual reduction in lbs/tons of nitrogen from nonpoint sources to water bodies. (FY11 WQ-9a; FY12 WQ-9a)	6.1.2.1 Determine nonpoint source pollutant loading reduction for nitrogen.	6.1.2.1.1 Nitrogen – Report actual load reductions in GRTS as project-specific information.
6.1.3 Annual reduction in lbs/tons of phosphorus from nonpoint sources to water bodies. (FY11 WQ-9b; FY12 WQ-9b)	6.1.3.1 Determine nonpoint source pollutant loading reduction for phosphorus.	6.1.3.1.1 Phosphorus – Report actual load reductions in GRTS as project-specific information.
6.1.4 Annual reduction in lbs/tons of sediment from nonpoint sources to water bodies. (FY11 WQ-9c; FY12 WQ-9c)	6.1.4.1 Determine nonpoint source pollutant loading reduction for sediment.	6.1.4.1.1 Sediments – Report actual load reductions in GRTS as project-specific information.
6.2 Federal Lands Consistency Reviews - Nonpoint Source Program coordination with public lands agencies.		
6.2.1 Assure that the Nonpoint Source and SWAP Programs coordinates with public land agencies regarding potential water quality impacts of land use decisions and implementation	6.2.1.1 Conduct federal consistency audits and arrangements with BLM and USFS.	6.2.1.1.1 Complete 2 USFS national forest or BLM district consistency audits and associated reports on protection or restoration of water quality standards and classifications.
7.0 Financial Assistance - Provide administrative and technical services to water quality projects identified in the WPCRIF IUP to assure compliance with the CWA.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
7.1 Identify water quality projects and provide appropriate financial assistance.	7.1.1 a) Submit IUP for approval by the WQCC. b) Administer WPCRF project loans identified and prioritized in the WPCRF Intended Use Plan (IUP) in compliance with the CWA and the operating agreement with EPA Region 8. c) Track project data in a database and project files.	7.1.1.1 a) WQCC approval of IUP. b) Submit a WPCRF Annual Report. c) Conversion or downloading of data into the National Information Management Systems (NIMS) and Colorado Benefits Report System.
7.2 Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the CWSRF. (FY07 WQ-24 T, R; FY08 WQ-17; FY09 WQ-17T)	7.2.1 Determine annual utilization of available funds for investment in public wastewater treatment facilities and nonpoint source activities.	7.2.1.1 Calculated fund utilization rate of Colorado WPCRF.
7.3 Number of people served by projects that protect or restore waterbody uses that impact human health per million dollars of CWSRF assistance provided for that purpose (FY07 WQ-25; FY08 WQ-18T; FY09 WQ-18).	7.3.1 Identify population benefiting from federal investment in protecting or restoring waterbody uses.	7.3.1.1 Calculated population per million dollars invested.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.0 SDWA Regulatory Development - Adopt Primary Drinking Water Regulations to Maintain Primary Enforcement Authority.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.1 Protect Human Health		
1.1 Adopt regulations within statutory deadlines or EPA approved extension schedule.	1.1.1 Timely submit primacy applications or apply for extensions.	1.1.1.1 No regulatory changes are needed in FFY 2012. The State will communicate with EPA on primacy issues, as appropriate.
2.0 SDWA Control Mechanisms - Implement All Primary Drinking Water Regulations		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters		
2.1 Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority.	2.1.1 Report on the status of EPA-identified requirements of the surface water treatment rule	2.1.1.1 By November 15, provide to EPA a list of all systems that are required to filter under the SWTR but are not yet filtering. Report the violations to SDWIS-FED. For systems on compliance schedules, provide the schedule from the enforcement document. If any system is not under a compliance schedule, provide a rationale and proposed action and time frame for securing compliance.
3.0 SDWA Compliance Assistance - Assist Regulated Entities to Consistently Provide Safe Drinking Water.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
3.1 Implement Source Water Assessment Program (SWAP) and Wellhead Protection Programs.	3.1.1 Acquire federal DWSRF set aside funding for program implementation.	3.1.1.1 Submittal of Wellhead Protection and Capacity Development Set-Aside Work Plan Amendments to EPA Region 8 by September 30 as necessary.
	3.1.2 Assist public water systems in identifying potential sources of contamination and developing source water protection strategies.	3.1.2.1 Provide technical and programmatic assistance to public water systems and local interests implementing source water assessment and protection activities.
	3.1.3 Implement coordinated program activities with Restoration and Protection Unit, Colorado Rural Water, and EPA Region 8.	3.1.3.1 Implement regular communication mechanism to insure coordination.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	3.1.4 Report program progress regarding program targets and actual completions.	3.1.4.1 Submit report to EPA identifying cumulative number of CWSs with a plan in place and substantial implementation of that plan and the population served by those CWSs by September 30.
3.2 Percent of community water systems where risk to public health is minimized by source water protection.	3.2.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.2.1.1 Report to EPA the number of source water areas with “minimized risk achieved by substantial implementation” of source water protection actions as determined by Colorado.
3.3 Percent of the population served by community water systems where the risk to public health is minimized through source water protection.	3.3.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.3.1.1 Report to EPA the population numbers served by community water systems where “minimized risk is achieved by substantial implementation” of source water protection actions, as determined by Colorado.
3.4 Assist public water systems with the DWRf to build required infrastructure to ensure consistent provision of safe drinking water.	3.4.1 Submit IUP for approval by the WQCC.	3.4.1.1 WQCC approval of IUP.
	3.4.2 Utilize the existing federal-state-local team approach to identify projects that address health and compliance issues for drinking water treatment and distribution systems.	3.4.2.1 Number of community and non-community, nontransient water systems and population served with no violations as a result of the Drinking Water SRF to be reported in the annual report.
	3.4.3 Administer DWRf loans identified and prioritized in the DWRf Intended use Plan (IUP) in compliance with the SDWA and the operating agreement with the CWRPDA.	3.4.3.1 Percent of existing facilities seeking SRF funding that are evaluated for all three capacity elements (technical, financial, and managerial).
	3.4.4 Implement SRF Sustainability Policy	3.4.4.1 Include Sustainability Criteria in the WQCC approved IUP that encourage sustainable practices at public water systems aimed at reducing water loss and better understand linkages between water production/distribution and energy use.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
3.5 Target Fund utilization rate of 89%[cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the DWRF. (FY07 SDW-7 (T;I) FY08 SDW-4T; FY09 SDW-4)	3.5.1 Determine annual utilization of available funds for investment in public water system treatment facilities.	3.5.1.1 Calculated fund utilization rate for Colorado DWRF.
3.6 Number of DWRF projects that have initiated operations. (cumulative) (FY07 SDW – 14 (I, R) FY08 SDW-5T)	3.5.1 Determine number of drinking water facilities funded through DWRF that a) initiated construction, and b) return to compliance.	3.5.1.1 a) Calculated number of projects initiated (R); b) Calculated number of projects that return systems to compliance.
3.7 Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers.	3.7.1 Conduct sanitary surveys at public water systems as required by Primary Drinking Water Regulations, an eight part survey once every three years for all subpart H community surface water systems (except for outstanding performers) and every five years for all other subpart H systems in accordance with the approved sanitary survey plan, including completion of written reports within 90 days of conducting fieldwork. Timely complete sanitary survey reports.	3.7.1.1 The State will enter into SDWIS/STATE, the most recent sanitary survey date completed in the last three (3) years for all Subpart H Community Water Systems which have received a survey consistent with the eight part requirements of 40 CFR 142.16(b)(3) by January 31.
		3.7.1.2 In accordance with 40 CFR 142.15(a)(5), the State shall submit to the Region 8 Drinking Water Unit a list of all Subpart H Systems that have had a Sanitary Survey meeting the eight part requirements of 40 CFR 142.16(b)(3) during the prior calendar year by the end of January. The State may meet its obligation for such a list by entering the completion date of each required Subpart H System survey into SDWIS/STATE. The State shall submit to the Region 8 Drinking Water Program an evaluation of its program for conducting Subpart H System Sanitary Surveys in accordance with 40 CFR 142.16(b)(3) during the prior calendar year as required by 40 CFR 142.15(a)(5) by February 15.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		<p>3.7.1.3 Provide in the end-of-year report, the number and percentage of systems not surveyed within required timeframes in each of the following categories:</p> <p>a) Community groundwater systems not surveyed in the last 3 years;</p> <p>b) Community surface water systems not surveyed in the last 3 years; and,</p> <p>c) Non-community water systems not surveyed in the last 5 years.</p> <p>The goal is that there will be fewer than 10% of systems in a) and c) not surveyed within the required time frames, and the goal for b) will be 5%.</p>
3.8 During FY 12/13 Colorado will partner with EPA to implement UCMR 3	3.8.1 Colorado will enter partnership agreement with EPA to implement UCMR 3.	3.8.1.1 Implement sampling and reporting e for UCMR 3 parameters as discussed in the partnership agreement.
4.0 Compliance Assurance – Synthesize, coordinate and apply appropriate assistance tools, informal enforcement, formal enforcement and penalties to ensure timely correction of violations, and deterrence.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
4.1 Water Safe to Drink – Percent of population served by community water systems that receive drinking water that meets all applicable health based drinking water standards through approaches including effective treatment and source water protection. Regional Target is 90%. Maintain a high overall compliance rate with all drinking water regulatory requirements.	4.1.1 Monitor self-reported data submitted by the state's drinking water supplies, to ensure that reported data meet all existing federal and state requirements; ensure reported data are accurately entered into the state's data system; and that violations are determined and responded to. Measure State outcomes against	<p>4.1.1.1 Percent of community water systems that provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 90%.</p> <p>4.1.1.2 Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection. Strategic target is 91%.</p>
PAM 2.1 Protect human health by reducing exposure to contaminants in drinking water.		

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	National targets.	4.1.1.3 Percent of “person-months” (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 95%.
		4.2.1.1
4.2 Take action to address those PWSs that are identified and confirmed to be enforcement targets.	4.2.1 Manage the quarterly ETT to identify planned actions and to inform EPA of past quarter’s accomplishments.	4.2.1.1 Annotate the quarterly Enforcement Targeting Tool (ETT) list created by the Enforcement Response Policy (ERP) by indicating the State actions planned for each identified priority ETT system, the projected time frame for such actions, and other relevant information that helps EPA evaluate candidates for federal enforcement. Return the annotated list to EPA within 30 <i>calendar days of receipt</i> .
		4.2.1.2 Address all priority ETT systems (through formal enforcement or appropriate return to compliance) within 6 months of their being identified as priorities, with the goal of taking action before systems reach the priority status. The date that the state receives the ETT from EPA is day zero (0) of the six-month timeliness period.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	4.3.2 Provide information to facilitate EPA oversight of all state formal enforcement actions.	4.3.2.1 Provide EPA a copy of all final settlement agreements, both administrative and judicial, upon issuance or EPA request. Copies of actions will be provided to EPA Region 8 in electronic format unless EPA requests a hard copy Upon request make penalty calculations and supporting documentation available to EPA.
5.0 SDWA Data Management - Develop and Implement a State Drinking Water Program database that will accurately portray system capacity, compliance and enforcement information.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
5.1 Maintain the Federal database.	5.1.1 State sanitary survey activities will be accurately recorded and reported to EPA.	5.1.1.1 The State commits to entering all sanitary surveys performed within 90 days of completion of field work in the previous inspection year into SDWIS/FED (by December 31 for inspections conducted in the previous FFY.)
	5.1.2 Enter required data into regional and national data systems so that federally required data fields are timely, accurate, and complete pursuant to definitions, guidance, and policy	5.1.2.1 Upload all violations, enforcement actions and applicable return-to-compliance codes into SDWIS at least quarterly.
		5.1.2.2 Ensure that all enforcement actions are linked to violations in SDWIS to avoid orphan exceptions, except for the approved orphan actions identified in guidance.
		5.1.2.3 Ensure any PWS's lacking lat/long and mad code data, have been identified, corrected and submitted for the quarterly reporting process to update SDWIS/Fed

Updated Exchange Network Information

- The Drinking Water Program currently utilizes the Safe Drinking Water Information System (SDWIS) Data Exchange to submit SDWIS-State drinking water information to EPA
- Water Quality is currently a direct user of the ICIS-NPDES system and has no plans to utilize the exchange network for submission of this data to EPA
- Water Quality is in the process of implementing a system to manage and flow ambient water monitoring data to the EPA Office of Water utilizing the Water Quality Exchange

Water: PWSS Program

ACS Code	Measure	Source of Data	Comment
2.1.1	Water Safe to Drink: Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection.	SDWIS	HQ will pull the data at the end of the fiscal year. Rolling 4 quarters (4Q of previous FY and the 1, 2, 3Q of the current FY)
A	Percent of the population served by community water systems that receive drinking water that meets health-based standards with which systems need to comply as of December 2001.	SDWIS	
B	Percent of the population served by community water systems that receive drinking water that meets health-based standards with a compliance date of January 2002 or later.	SDWIS	
C	Percent of community water systems that provide drinking water that meets health-based standards with which systems need to comply as of December 2001.	SDWIS Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.	

D	Percent of community water systems that provide drinking water that meet health-based standards with a compliance date of January 2002 or later.	SDWIS Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.	
F	Percent of source water areas for community water systems that achieve minimized risk to public health.	States manually report this measure to the Region.	The actual number of CWSs with substantial implementation of a SWP Plan is not tracked by SDWIS. CO, MT, ND and UT all track this measure. However, SD and WY are not currently tracking the number of CWSs meeting this measure. In the states that are tracking this measure, it is not being done in SDWIS but the states have individual databases that have this information available or that can be generated.
SDW-1a	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules.		States manually report this measure to the Region.

Water: UIC Programs

ACS Code	Measure	Source of Data	Comment
SDW-9 (a, b, c, d)	Separately for each class of well, the percent of Class I, II, III wells identified in significant violation, and Class V wells identified in violation, that are addressed by the UIC program.	Form 7520-2A	Info not available until at least 45 days after end of reporting period
SDW-10	Percent of identified Class V Motor Vehicle Waste Disposal wells that are closed or permitted.	Form 7520-2B	Info not available until at least 45 days after end of reporting period

Water: CWA Section 106 Grants

ACS Code	Measure	Source of Data	Comment
L	Number, and national percent, of those waterbodies identified in 2000 as not attaining standards where water quality standards are restored. (cumulative)	WATERS	States submit data supporting measure L--integrated 305b/303d reports or 303d lists--every other year...OW will report on changes to measure L quarterly.
WQ-2 (a,b)	Number of States that have (a) adopted EPA-approved nutrient criteria into their water quality standards, or (b) are on schedule with a mutually agreed-upon plan to adopt nutrient criteria into their water quality standards. (cumulative)	Regional ACS report	For WQ-2a, the target is 0, so the state does not have to report for this measure. For WQ-2b, CO, MT, UT should provide a brief update on the status of their activities related to nutrient criteria. (This is new). WY does not need to report—EPA will take the lead.
WQ-5a	Number, and national percent, of States that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflects new scientific information from EPA or other resources not considered in the previous standards.	WATA	EPA lead. States are not responsible for reporting this measure.
WQ-7	Number of States that have adopted and are implementing their monitoring strategies in keeping with established schedules.	S.106 Monitoring Initiative Workplans	States should submit an annual progress report (email is acceptable) to their EPA Monitoring and Assessment contact, stating progress and accomplishments on items listed in their 106 Monitoring Initiative Workplans.
WQ-13b	Number of TMDLs, and national percent, that are established by states on schedule consistent with national policy. [FY 06 WQ-12 relates to all TMDLs; FY 07 WQ-13b relates to state TMDLs]	NTTS	The Region enters data in NTTS when State TMDLs are approved
WQ-18a	Number, and national percent, of non-tribal NPDES permits that are considered current.	PCS or ICIS-NPDES for MT, SD, UT	

ACS Code	Measure	Source of Data	Comment
WQ-19 (a, b, c)	Number, and national percent, of Phase I and Phase II stormwater permits that are issued and current for: (a) industrial stormwater general permits; (b) construction stormwater general permits; and (c) MS-4 general and individual permits.	PCS or ICIS-NPDES for MT, SD, UT	
WQ-21a	Number, and national percent, of Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment requirements.	SIUs= PCS, or ICIS-NPDES for MT, SD, UT CIUs = Internal tracking system	
WQ-22a	Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year.	PCS or ICIS-NPDES for MT, SD, UT	Note: HQ-OECA to provide state-specific data.
WQ-29a	Number, and national percent, of high priority state NPDES permits that are issued as scheduled.	PCS or ICIS-NPDES for MT, SD, UT	
WQ-30a	Number of permits providing for trading between the discharger and other water pollution sources. (cumulative)	PCS or ICIS-NPDES for MT, SD, UT	
SS-2	Number, and national percent, of CSO permits with schedules in place in permits or other enforceable mechanisms to implement approved Long Term Control Plans (LTCPs). (cumulative)	PCS-CSO Report Database or ICIS-NPDES for MT, SD, UT	

Water: Nonpoint Source Program

ACS Code	Measure	Source of Data	Comment
WQ-16	Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that are partially or fully restored. (cumulative)	WATERS	See 1 below.
WQ-27	Number of watershed-based plans supported under State Nonpoint Source Management Programs since the beginning of FY 2002 that have been substantially implemented. (cumulative)	STATES	See 2 below

FY 2012 Region 8 / STATE Initial Target Setting for PPA Development

FY 2012 ASC Code	DRAFT Proposed FY 2012 NWPGE Measure Text (proposed changes shown in red)	FY 2012 National Initial Target (%)	FY 2012= Region 8 Initial Target (%)	Colorado FY 2012 State Commitment (%)
2.1.1	Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.	91%		91% 4.1.1.2
SP-1	Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection.	90%		90% 4.1.1.1
SP-2	Percent of "person months" (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards.	95%		95% 4.1.1.3
SP-4a	Percent of community water systems where risk to public health is minimized through source water protection.	50%		5% 3.2.1.1
SP-4b	Percent of the population served by community water systems where risk to public health is minimized through source water protection	57%		8% 3.3.1.1
SDW-1a	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term I Surface Water Treatment Rules.	95%		95% 3.6.1.3
SDW-2	Percent of the data for violations of health-based standards at public water systems that is accurate and complete in SDWIS-FED for all maximum contaminant level and treatment technique rules (excluding the Lead and Copper Rule).	Indicator		Indicator
SDW-3	Percent of the lead action level data that for the Lead and Copper Rule, for community water systems serving over 3,300 people, that is complete in SDWIS-FED.	Indicator		Indicator
SDW-4	Fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the Drinking Water State Revolving Fund (DWSRF).	89%		89%
SDW-5	Number of Drinking Water State Revolving Fund (DWSRF) projects that have initiated operations. (cumulative)	500 Annual (220 ARRA)		TBD
SDW-7a	Percent of deep injection wells that are used to inject industrial, municipal, or hazardous waste (Class I) that lose mechanical integrity and are returned to compliance within 180 days thereby reducing the potential to endanger underground sources of drinking water.	92%		EPA
SDW-7b	Percent of deep injection wells that are used to enhance oil/natural gas recovery, or for the injection of other (Class II) fluids associated with oil and natural gas production, that have lost mechanical integrity and are returned to compliance within 180 days thereby reducing the potential to endanger underground sources of drinking water.	89%		O&G
SDW-7c	Percent of deep injection wells that are used for salt solution mining (Class III) that lose mechanical integrity and are returned to compliance within 180 days thereby reducing the potential	93%		EPA

FY 2012 ASC Code	DRAFT Proposed FY 2012 NWPB Measure Text (proposed changes shown in red)	FY 2012 National Initial Target (%)	FY 2012= Region 8 Initial Target (%)	Colorado FY 2012 State Commitment (%)
	to endanger underground sources of drinking water.			
SDW-8	Percent of high priority Class V wells identified in sensitive ground water protection areas that are closed or permitted. (cumulative) [Measure will still set targets and commitments and report results in both % and #. Numerical commitments from UIC database.]	76%		EPA
SDW-11	Percent of DWSRF projects awarded to small PWS serving <500, 501-3,300, and 3,301-10,000 consumers.	Indicator		Indicator
SDW-12	Percent of DWSRF dollars awarded to small PWS serving <500, 501-3,300, 3,301-10,000 consumers.	Indicator		Indicator
SDW-13	Percent of DWSRF loans that include assistance to disadvantaged communities.	Indicator		Indicator
SDW-14	Number and percent of PWS, including new PWS, serving fewer than 500 persons. (New PWS are those first reported to EPA in last calendar year).	Indicator		Indicator
SDW-15	Number and percent of small PWS (<500, 501-3,300, 3,301-10,000) with repeat health based Nitrate/Nitrite, Stage 1 D/DBP, SWTR and TCR violations.	Indicator		Indicator
SDW-16	Average time for small PWS (<500, 501-3,300, 3,301-10,000) to return to compliance with acute Nitrate/Nitrite, Stage 1 D/DBP, SWTR and TCR health-based violations (based on state-reported RTC determination date).	Indicator		Indicator
SDW-17	Number and percent of schools and childcare centers that meet all health-based drinking water standards.	Indicator		Indicator
SS-1	Number and national percent, using a constant denominator, of Combined Sewer Overflow (CSO) permits with a schedule incorporated into an appropriate enforceable mechanism, including a permit or enforcement order, with specific dates and milestones, including a completion date consistent with Agency guidance, which requires: 1) Implementation of a Long Term Control Plan (LTCP) which will result in compliance with the technology and water quality-based requirements of the Clean Water Act; or 2) implementation of any other acceptable CSO control measures consistent with the 1994 CSO Control Policy; or 3) completion of separation after the baseline date. (cumulative)	84% (717)		N/A – Colorado has no CSOs
SP-10	Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained. (cumulative)	2,910		4 Section 2.2.2
SP-11	Remove the specific causes of waterbody impairment identified by states in 2002. (cumulative)	8,670		4 Section 2.2.1
SP-12	Improve water quality conditions in impaired watersheds nationwide using the watershed approach. (cumulative)	170		1 Section 3.1.3

FY 2012 ASC Code	DRAFT Proposed FY 2012 NWP Measure Text (proposed changes shown in red)	FY 2012 National Initial Target (%)	FY 2012= Region 8 Initial Target (%)	Colorado FY 2012 State Commitment (%)
WQ-1a	Number of States and Territories that have adopted EPA approved nutrient criteria into their water quality standards. (cumulative)	47		0 Section 2.3.2
WQ-1b	Number of States and Territories that are on schedule with a mutually agreed-upon plan to adopt nutrient criteria into their water quality standards. (annual)	58		1 Section 2.3.2
WQ-2	Number of Tribes that have water quality standards approved by EPA. (cumulative)	39		EPA
WQ-3a	Number, and national percent, of States and Territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.	36 (64.3%)		1 Section 2.3.1
WQ-4a	Percentage of submissions of new or revised water quality standards from States and Territories that are approved by EPA.	85%		EPA
WQ-7	Number of States and Territories that provide electronic information using the Assessment Database version 2 or later (or compatible system) and geo-reference the information to facilitate the integrated reporting of assessment data. (cumulative)	45		1 Section 2.2.4
WQ-8a	Number, and national percent, of TMDLs that are established or approved by EPA [Total TMDLs] on a schedule consistent with national policy. Note: A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms 'approved' and 'established' refer to the completion and approval of the TMDL itself.	2,284 (72%)		NA
WQ-8b	Number, and national percent, of approved TMDLs, that are established by States and approved by EPA [State TMDLs] on a schedule consistent with national policy. Note: A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms 'approved' and 'established' refer to the completion and approval of the TMDL itself.	2,023 (64%)		25 Section 3.1.4
WQ-10	Number of waterbodies identified by States (in 1998/2000 or subsequent years) as being primarily nonpoint source (NPS)-impaired that are partially or fully restored. (cumulative)	250		1 Section 2.2.5
WQ-12a	Percent of non- Tribal facilities covered by NPDES permits that are considered current. [Measure will still set targets and commitments and report results in both % and #.]	89%		Section 4.2.1.1
WQ-14b	WQ-14b Number and Percentage of Categorical Industrial Users (CIUs) in non-pretreatment POTWs that have control mechanisms in place that implement applicable pre-treatment requirements.			Section 4.11.1.1
WQ-15a-b	Percent of major dischargers in significant noncompliance at any time during the fiscal year and number on impaired waters.			
WQ-17	Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the Clean Water State Revolving Fund (CWSRF).	94.5%		94.5%
WQ-19a	Number of high priority state NPDES permits that are issued in the fiscal year.	700		Section 4.5.1.1
WQ-19b	Number of high priority state and EPA (including tribal) NPDES permits that are issued in the	800		No Reference

FY 2012 ASC Code	DRAFT Proposed FY 2012 NWPG Measure Text (proposed changes shown in red)	FY 2012 National Initial Target (%)	FY 2012= Region 8 Initial Target (%)	Colorado FY 2012 State Commitment (%)
	fiscal year.			Found
WT-4	Number of states measuring baseline wetland condition - with plans to assess trends in wetland condition - as defined through condition indicators and assessments (cumulative).	21		DNR

1. By “fully restored,” EPA means that all designated uses are now being met. By “partially restored,” EPA means either of the following two conditions are being met:

- a) A water body that has a use that is initially impaired by more than one pollutant, but after restoration efforts meets the criteria for one or more (but not all) of those pollutants, or
- b) A water body that initially has more than one use that is less than fully supported, but after restoration efforts one or more (but not all) of those uses becomes fully supported.

Since the main referent for this measure will be State 303(d) or Integrated Reports, States which did not submit 2000 303(d) lists may substitute the 1998 list for their base year. “Water bodies” therefore refer to 303(d)-listed segments or Category 4 or 5 waters on the Integrated Report. The measure is not meant to include only water bodies restored by 319-funded projects, but instead counts all primarily NPS-impaired water bodies that a state restores subsequent to the base year of 1998/2000. The water must have been impaired as of the year 1998/2000.

Waters listed after 1998/2000 which are then delisted from the 303(d) list (for some or all pollutants) or which move from categories 4 or 5 to category 1 or 2 may also be counted against this measure. In other words, although 1998/2000 is the base year, the 303(d) lists for those years need not be the only referent lists.

Please note that a water cannot be counted simply because it has been delisted from a state 303(d) list, or moves from categories 4 or 5 to 1 or 2, for reasons other than actual restoration (e.g., it is determined that it was inappropriately listed in the first place, it has a TMDL done for it, etc.).

A water will not be counted towards this measure if no specific management activities have been taken (by any party) within the watershed to improve water quality. Furthermore, a given water cannot be counted twice under this measure if it goes from impaired to partially restored, and then from partially restored to fully restored. Any given water may only be counted once under this measure.

For a water to be counted as “partially or fully restored,” it must be described by a story on EPA’s NPS Success Story Website (<http://www.epa.gov/owow/nps/Success319/>). On the Success Stories web site, the heading “Stories about partially or fully restored water bodies” is the section that refers to this measure. Without such a story, the water will not be counted against this measure. A story may include more than one water body, where appropriate.

Success stories submitted for the States (or Tribes) must include the following:

- Title
- Problem
- Project highlights

- Results
- Partners and funding
- Photos and/or Table/graph/chart
- Contact information
- GRTS project number(s) (where applicable)
- Date delisted from 303(d) list, or list date it will be delisted (i.e. next 303(d) list)

The determination of whether or not a water is “primarily” NPS-impaired will be left to the best professional judgment of the States. EPA does not expect that the State should do a detailed analysis when making a judgment on whether a given water is “primarily” NPS-impaired, when a precise determination would be exceedingly difficult (such as, for example, when a single listed water moves through both permitted MS4 areas as well as through non-permitted areas).

2. Watershed-based plans are plans which include the “nine components” described in the “Nonpoint Source Program and Grants Guidelines for States and Territories” (October 2003) available at: <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>

These plans are primarily geared towards restoring impaired waters, though they should also address unimpaired but threatened waters as necessary.

“Substantially-implemented” means either of the following two things:

- a) Those actions called for in the initial plan (i.e., prior to any later adjustment to the plan that may be deemed necessary) specifically geared towards remediating the impairment(s) have been implemented. The plan in this case must include the nine components for watershed-based plans outlined in the NPS grants guidelines.
- b) Sufficient management measures and practices called for in the plan have been implemented to achieve the load reductions that are needed to meet WQS, even if the plan comes close to – but falls short of – including all nine criteria articulated in the NPS grants guidelines.

In the case of condition “b,” EPA and States may define what it is to be “close” to meeting the nine criteria. Furthermore, in terms of demonstrating that the implementation actions have met the load reduction target, if the State has a load reduction model it trusts that predicts that whatever actions that have been implemented should be sufficient to reach the load reduction target -- and the Region agrees with the State's judgment -- then this will be sufficient for meeting the bar of “substantially-implemented” for purposes of tracking against this measure. EPA reserves the right to ask the State to provide its evidence that the plan has met the second criterion for being a “substantially-implemented” plan.

Since watershed management typically necessitates an adaptive approach over time, watershed plans may never be fully implemented. Therefore, the term “substantially implemented” is being used.

Substantially-implemented plans are reported twice a year -- once by April 1 for a "mid-year" number, and once in September 1, for an "end-of-year" number.

Chapter 6 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION

6.1 Organization and Programs

HMWMD is comprised of several programs that regulate sites and facilities through a combination of traditional elements; i.e., licenses, certifications, permits, and inspections; augmented as needed by a variety of enforcement activities and compliance assistance. These regulatory programs include Colorado's equivalents of the EPA's Resource Conservation and Recovery Act solid and hazardous waste programs, the Nuclear Regulatory Commission's radioactive materials program, and the Food and Drug Administration's x-ray / mammography risk and quality control programs.

To enhance the HMWMD compliance programs, the Division also maintains vital compliance assistance and pollution prevention components in addition to the more traditional compliance assurance activities. These efforts are integrated with similar activities in other divisions to improve consistency and effectiveness in all compliance assistance and compliance assurance efforts. HMWMD has established a variety of resources for providing technical assistance and regulatory guidance through trainings, workshops, published materials, compliance aids, the Division homepage, and the customer technical assistance phone line.

In a second major group of programmatic elements, HMWMD has several cleanup oversight programs and community involvement components. The strength of these programs lies in the expertise of the staff, their ability to use creative and problem-solving approaches, and their willingness to work in a collaborative fashion with other agencies and with facility representatives to achieve a common goal. The Division's strength is increased by the close interaction of similar cleanup efforts in the different divisional programs, although each is driven by a different set of laws and regulations. HMWMD works continuously to increase consistency among remediation requirements and to expedite the cleanup process for the regulated community. Please see the organization chart following this section.

HMWMD concentrates on performance-based measures for planning and implementing activities in all its programs. HMWMD places its priority on the parity of approaches to cleanups under all of its various programs and on improving the processes used for conducting cleanups. This approach is evident, for instance, in the equivalency of the Voluntary Cleanup Program and the Hazardous Waste Corrective Action Plan process. In another example, in 2010, the Division has worked on developing policy and guidance that establishes a consistent set of criteria for making the important decision of when a request for no further action for ground water contamination to be used by all the remedial programs. In addition, the Radiation Management staff coordinates remediation oversight at several sites with the Superfund and Hazardous Waste program staff.

In February 2011, the tenth annual report required by SB-00-177 was delivered to the Colorado General Assembly. This report presents the extensive efforts in HMWMD for improving efficiency and effectiveness within the hazardous waste program. The 2010 report documented the continued emphasis on compliance assistance, expanding on HMWMD efforts of past years.

The Radon Hotline is a customer service effort provided by this Division. Radon information dissemination, outreach and presentations upon request are provided by HMWMD, using EPA grant dollars, and are augmented by participation and training efforts contributed by state and local personnel. In an effort to expand the public outreach of the radon grant, roughly twenty grants to local governments, extension offices and partners will be distributed. Additional radon reinvigoration projects by the HMWMD include mass mailings of radon information targeted to all schools, newspapers, realtors, homebuilders and building officials. Annual surveys of measurement results, mitigation providers, schools and builders are now being conducted in order to provide an accurate assessment of outreach impact in Colorado as requested in the EPA radon reinvigoration strategy. A public education video created by CDPHE is also available for public viewing on our website at www.coloradoradon.info. A final report and data analysis on compliance with radon testing requirements on Colorado schools has been completed and is currently under review by the Radiation Advisory Committee. Data will be compiled and available for public review upon project completion.

The Colorado Voluntary Cleanup and Redevelopment Act provides approval for environmental remediation done in connection with redevelopment, and is geared to boost marginal redevelopment projects. The Department has limited authority to fund cleanup activities at sites which are not covered by RCRA or CERCLA, for which there is not a responsible party, and where the redevelopment will provide a benefit to the local community. HMWMD seeks to leverage these limited funds with federal and private partnerships at appropriate sites. The division continues to take advantage of federal legislation that allows the use of Section 128(a) funds to enhance state response programs by promoting Brownfields concepts and approaches at contaminated properties to promote redevelopment. HMWMD works through a variety of Brownfields programs in conjunction with local governments to prioritize new sites and implement cleanup activities.

Table 6.1 Hazardous Materials & Waste Management Division Organization

Work Unit	Core Functions					
Director's Office	Community Relations	Compliance Coordination	Emergency Planning & Preparedness	ASTDR / HSEES Grant	Policy Advisor	
Administration	Fiscal Management	Human Resources Services & Training	GIS & Scientific Data Management	Network Support Services	Records Management & Administrative Services	
Solid and Hazardous Waste Program	Hazardous Waste Permitting, Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action	Solid Waste Permitting Compliance, Enforcement, Compliance Assistance, P2 & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements); Land Revitalization	Data Management for hazardous and solid waste programs	
Radiation Management Program	Radioactive Materials Licensing, Compliance, Enforcement, & Corrective Action	X-ray/ Mammography Facility Compliance, Enforcement, & Corrective Action	Regulatory Development	Testing and Certification of Service Companies, Qualified Inspectors and Experts, etc.	State Indoor Radon Grant Activities	Radiological Response
Remediation Program	Superfund remediation lead and support agency; Superfund O&M	Preliminary Assessment, Site Investigation,	Voluntary Cleanup Program	Brownfields Revolving Loan Fund; Targeted Brownfields Assessments	Defense Facilities Remediation & Restoration	

6.2 Successes Under the CEPPA

The HMWMD has enjoyed many successes under the CEPPA. This section presents several recent examples.

- HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement since 2000. In May 2009, the fees were increased in a manner that should provide adequate funding through FY11. In recent End-of-Year and State Review Framework Reports, EPA has agreed that the Division is capable of implementing a fully authorized program and all necessary program elements are in place and functioning at a high and efficient level.
- The Hazardous Waste Control Program has made substantial progress in the area of safe waste management. HMWMD's program has exceeded national targets for having operating permits and post-closure permits in place. HMWMD has also made substantial strides in Hazardous Waste Corrective Action. Historically, Colorado has met or exceeded the GPRA goals for the remedy selection, remedy construction, and human health exposures under control environmental measures for the 2020 baseline facilities.
- In 2011, the Brownfields Program provided an environmental assessment and cleanup funding to the Town of Rifle that was used in the renovation of the town's historic movie theater. This work was done in partnership with the Department of Local Affairs and was started under Governor Ritter's Main Streets initiative.

- The Brownfields Revolving Loan program provided ARRA funding to the Town of Genoa, Loveland and Urban Land Conservancy. A loan has also been approved for cleanup activities in relation to the redevelopment of Denver's historic Union Station.

6.3 Cross-Cutting Themes

Across the programs within HMWMD, there are several cross-cutting areas of activity and effort. These include customer service, compliance assistance, compliance assurance, pollution prevention, and community-based environmental protection. While not always specifically discussed in the HMWMD workplan tables presented later in this chapter, these themes or concepts have a high priority in everything HMWMD accomplishes. The following sections describe some of the Division's efforts in these areas.

6.3.1 Customer service

On-going customer service efforts include:

- The half-time technical assistance function in HMWMD provides technical assistance to the public for all HMWMD programs during business hours.
- A nationally published dedicated radon information line with a 1-800 number available for long distance inquiries.
- The records center is open to the public for document reviews all day every working day.
- Extended and improved and continuously updated information on the division's Home Page.
- Environmental records searches.
- Voluntary Cleanup reviews and assistance functions.
- Field assistance, consultative services, and training on chemical hazards for emergency response agencies.

6.3.2 Compliance Assistance and Assurance

For several years, the various HMWMD programs have undertaken a number of both traditional and innovative Compliance Assistance efforts.

- During FY09, HMWMD provided 35 compliance assistance training sessions that reached 2,060 people.
- Compliance guidance documents and bulletins have been published on a wide range of topics and are available at no cost to the public on the HMWMD Homepage and as printed materials. These documents are also available on CD-ROM for attendees at training sessions. HMWMD evaluates the distribution of contacts (correspondence, phone inquiries, website "hits", etc.) to direct development of new guidance.
- Guidance documents and compliance documents have been developed and / or updated to provide regulatory interpretations for the regulated public and HMWMD inspectors.
- HMWMD continues its half-time customer technical assistance availability and a 1-800 number for contacts from outlying parts of the state. This service continues to see relatively heavy use from the public.
- HMWMD has continued to update and improve the Division's web page. The web page continues to show a trend of increased use.
- HMWMD is implementing full-scale self-certification (aka, Environmental Results Program or ERP) projects in the auto-body, dry cleaner, and SQG sectors. These efforts include air quality self-certification checklists and hazardous waste checklists.
- The Division of Environmental Health and Sustainability (DEHS) and HMWMD have continued to provide a significant level of technical assistance to emergency response agencies and school districts in the area of chemical hazards. In past years, the most severe situations identified were school laboratories. As these have been addressed the effort has been refocused toward other situations where the hazards are chemical in nature and toward training response agency personnel.

DEHS has the statutory responsibility to conduct regulatory inspections of schools in counties without local health agencies. Currently, this includes eleven (11) counties throughout the State (Alamosa, Conejos, Costilla, Garfield,

Grand, Jackson, Mineral, Moffat, Rio Blanco, Rio Grande, and Saguache), which involves a total of approximately 100 schools.

- HMWMD has continued the Generator Assistance Program or GAP. This program is designed to provide, upon request, an on-site compliance audit for any hazardous waste generator in Colorado. These GAP site visits are performed by inspectors, but in a compliance assistance mode. In fact, participants are assured that discovered violations will not result in enforcement provided there are no imminent and substantial threats to health and environment at the facility and provided that the facility agrees to a prompt return to compliance. In FFY09, HMWMD performed 24 GAP site visits. These site visits are being entered into RCRAInfo as “compliance visits” or CAVs.

6.3.3 Pollution Prevention

Pollution prevention continues as a central theme in many Division activities.

- Pollution Prevention activities are coordinated with EPA’s Resource Conservation Challenge (RCC) as Colorado’s priorities and resources allow. The RCC focuses on four priority areas: Priority Chemical reduction; increasing recycling of municipal solid waste; Industrial Materials Recycling; and green initiatives with an emphasis on electronic wastes. Goals and objectives for pollution prevention, the RCC, and waste minimization are presented in the table at the end of this chapter.
- Inspectors communicate pollution prevention concepts and, when possible, specific ideas to regulated entities routinely during inspections. Training efforts also emphasize pollution prevention as an effective environmental management tool.
- Pollution prevention activities were negotiated as Supplemental Environmental Projects (SEPs) as part of penalty settlements in several significant enforcement cases. Such projects included replacement of outdated systems to improve materials usage and reduce waste and replacement of equipment that requires the use of chemicals that end up as hazardous wastes streams. Also, assistance to other facilities with similar problems, education and outreach on environmental issues and spill and leak prevention equipment and improvements are included in some SEPs that are considered pollution prevention based. HMWMD efforts on SEPs in settlement agreements have been consistent with the CDPHE agency-wide SEP policy.

6.3.4 Community-Based Environmental Protection

There are many remediation sites that invest time and effort into soliciting and resolving the concerns of the community that surrounds them. Strong examples of the right way to achieve community involvement include several examples from HMWMD.

- Over the past several years, extensive public outreach has occurred near the Denver Federal Center as significant remediation is occurring on the site and several high-profile land parcels are being transferred to municipal or private ownership for redevelopment.
- Extensive community involvement has continued regarding the proposed Chemical Demilitarization facility being built at the Pueblo Chemical Depot. Monthly public meetings are held regarding the permit in association with the Citizen’s Advisory Commission. In addition, Division public involvement staff spends considerable time with citizens and civic groups in the Pueblo area distributing information on the chemical demilitarization project.

6.4 Goals and Objectives for this FY2011 and FY 2012 CEPPA

6.4.1 Hazardous Waste Program Goals

HW General Program Management and Partnership

- HW 1 Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.
- HW 2 Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects goals and objectives of both the State and EPA including appropriate work sharing.

- HW 3 The State and EPA will work together to identify and achieve environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities “under control” will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes “adequate documentation”.

HW Operating Permits and Closure/Post-Closure Permit Goals

- HW 4 Issue and maintain operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that will protect public health and environmental quality. Ensure protection of public health and the environment by inspecting facilities to determine their compliance with permit or closure plan conditions.
- HW 5 Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development of such technologies.

HW Compliance Monitoring and Enforcement Goals

- HW 6 Ensure protection of public health and the environment by achieving compliance at regulated hazardous waste facilities through implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste laws and regulations.
- HW 6.1 Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspection of treatment, storage and disposal facilities will meet the statutory requirements.
- HW 6.2 Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.
- HW 6.3 Promote compliance at regulated facilities by ensuring that enforcement actions are timely and appropriate. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.

HW Corrective Action Goals

- HW 7 Clean up releases of hazardous waste that threaten the public or the environment in an efficient and effective manner.
- HW 8 Provide regulatory assistance and technical expertise to all parties responsible for cleaning up releases of hazardous waste at their facilities. This consists of frequent communication and the sharing of our expertise in correspondence, guidance documents, or policy.

HW Pollution Prevention and Compliance Assistance Goals

- HW 9 Implement a compliance assistance program that increases the compliance rate within HMWMD’s regulated communities.
- HW 10 Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed using BRS and TRI data (HW Profiles).
- HW 11 Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.

6.4.2 Voluntary Cleanup and Redevelopment Goals

- VC 1 Respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.
- VC 1.1 The program will efficiently review cleanup applications and insure that all approvals are protective of human health and environment.
- VC 1.2 Implement MOA with EPA to enhance communication about sites and to provide assurances to the applicant via the MOA.

6.4.3 Radiation Program Goals

RA 1 Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.

RA 1.1 Increase awareness, testing and mitigation of homes with elevated radon levels. Work toward adoption of more radon-resistant building codes.

RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.

The State Indoor Radon Grant is used to develop effective, efficient activities for the state with emphasis on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for communicating about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

A survey of measurement results for 2009 indicated that 23,627 tests were conducted statewide with results ranging from 0-555.9 PCi/L, with 11,175 or 47.3% of the test results ≥ 4 PCi/L. A survey of mitigation providers for 2009 indicated that 8,002 mitigations systems were installed statewide. This is a slight decrease in the number of homes mitigated in 2008. Research indicates this is most likely due to the state of the economy. In 2009, the CDPHE Radon website received 23,022 web hits, the radon hotline received 1,804 phone calls, and CDPHE distributed approximately 20,000 pieces of literature related to radon via mail, conferences, presentations and community outreach activities.

6.5 Summary of Program Assessment Process

6.5.1 Hazardous Waste Program

EPA will perform a mid-year and end-of-year review of all aspects of the hazardous waste program. The mid-year review will be less rigorous, but the end-of-year review will be complete and comprehensive, as appropriate. For the Inspection and Enforcement program elements, the State Review Framework (SRF) will be used every three or four years. Depending on the SRF findings, appropriate levels of oversight will be employed in the interim years. EPA will use the Program Oversight elements, defined in 2004 by both EPA and the Region 8 states, to oversight the permitting, closure, post-closure, and corrective action program elements.

6.5.2 Solid Waste Program

Currently, EPA does not authorize Colorado's solid waste program. Therefore, other than a general review, EPA has no oversight role.

6.5.3 Voluntary Cleanup and Redevelopment Program

Minimal amount of federal funding is used for program management and administrative functions. This funding comes from the Brownfields State Response Program grant. EPA and the state, through a Memorandum of Agreement, have constructed a very workable system of state/federal interaction.

EPA will conduct a review of state activities in accordance with federal Brownfields grant regulations.

6.5.4 Radiation Programs – State Indoor Radon Grant

EPA will conduct an annual program review and EPA will conduct a review of state activities in accordance with federal Superfund grant regulations.

6.6 Environmental Indicators

Remediation:

- Number of Voluntary Cleanup sites under remediation and status;

- Total contaminated area remediated for each site.

Solid and Hazardous Waste Program:

- Number and percent of hazardous waste facilities with human exposures under control.
- Number and percent of hazardous waste facilities with migration of contaminated ground water under control.

6.7 Accountability

The preceding text in Chapter 6 is provided as a description of the types and scope of environmental activities being conducted by the various programs within HMWMD. It contains examples of successes and achievements but is not intended as a comprehensive list of work completed. The chapter's text also includes activities and programs that are not driven by EPA / CEPPA funding nor by EPA program requirements. These items should not be viewed as part of any future EPA program assessment and are not work plan commitments.

6.8 Hazardous Materials and Waste Management Division FY2011- 2012 Updated Work Plan

6.8.1 Hazardous Waste Work Program

Mission: To ensure that all hazardous wastes are handled and managed in ways that protects the public and environment from the moment of waste generation until final disposal or destruction.

HW I - General Program Management and Partnership		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities		
HW 1: Long Term Goal Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.		
Short Term Goals	Objective	Measures
HW 2: Short Term Goal - Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects the goals and objectives of both the State and EPA including appropriate work sharing.	Authorization The State will pursue timely and complete authorization for new mandatory rules and progress toward overall authorization goals.	FY11: • RCRA Cluster XIX (SPA 30) – No new rules were required for adoption. FY12: • RCRA Cluster XX (SPA 31) – The State expects to submit a new revision application for any mandatory rules.
	<i>EPA will work toward a timely review of authorization applications submitted and improve the overall pace of authorization and authorization flexibility.</i>	
	Program Improvement The State will continue to evaluate the Hazardous Waste Control Program seeking to make further program improvements as appropriate.	Continued implementation of self-certification programs and GAP site visits.
	Data Management The State will maintain timely, accurate, and complete data in RCRAInfo. Note: The State is currently a direct user of RCRA Info, and therefore currently has no plans to use the Exchange Network.	The State will have data in RCRA Info by the 15 th day of the month following activity. The EPA EOY Report will be used to measure HMWMD's success. The State will ensure that data is reported to RCRAInfo accurately and completely reflecting the status of the RCRA universe.

HW I - General Program Management and Partnership		
	The State will continue to work with EPA to ensure that RCRAInfo reports used to track the progress of activity are accurate.	RCRAInfo reporting will include all key measures of operating, closure and post-closure permitting; corrective action; and compliance monitoring and enforcement components of the HW program at a level sufficient to support program evaluation efforts.
	<i>EPA will assist the State in assuring that the RCRAInfo data is current and accurate and reflects EPA HW activities as well as State activities.</i>	
	<i>EPA will work with the State to resolve "universe" issues .</i>	
	<i>EPA will also provide training and technical assistance when requested.</i>	
	The State and EPA will jointly create and generate RCRAInfo reports that are of benefit to the program.	
	Public Involvement. The State will continue to involve the public as required by statute and regulation or MOA. This includes a system to respond to requests for information and complaints or concerns from the public. (HW-3-9)	CDPHE will: <ul style="list-style-type: none"> • Consider participation as appropriate on EPA site-specific teams to evaluate environmental justice concerns. • Consider reporting efforts of public participation in reaching minority and low-income communities. • Consider the use of citizen advisory boards as specific situations warrant. • Participate in meetings with environmental groups as appropriate to consider environmental justice issues.
	Resource Level The State will maintain adequate resources to implement the program.	Joint EOY Reports
	Financial Accountability The State will adequately account for grant dollars.	Joint EOY Reports
	Program Guidance / Agreements The State and EPA will jointly develop and maintain the MOA (annually re-certify), EA, Quality Assurance Plan and other operating Guidance.	

HW I - General Program Management and Partnership		
	Strategic Planning The State and EPA will jointly plan and prioritize program goals, objectives and activities that address state and federal priorities and initiatives. Activities include EPPA development, Annual National targets, inspection strategies, planning meetings, etc.	EPA and the State will hold regular meetings to share information, identify and solve problems, and engage in short term planning efforts.
	Coordination of Joint Activities The State and EPA will maintain a high level of cooperation between State and EPA staff to assure successful and effective administration of the program including evaluation of desirable technical support and targets for joint efforts / work sharing.	EPA and the State will hold regular meetings to share information, identify and solve problems, and engage in short term planning efforts.
	Program Communication The State and EPA will maintain frequent and open communication on routine matters, changes in program capability, legislation and resources levels, emergency situations and other key activities as described in the MOA.	Examples of key activities include final decisions re: variances / waivers, enforcement actions, biennial report summarization, final permits, etc.
		EPA and the State will hold regular meetings to share information, identify and solve problems, and engage in short term planning efforts.
	Training and Technical Assistance The State and EPA will jointly identify training and technical assistance needs.	The State will develop and implement a staff training program that results in well-qualified staff and ensures that mandatory training needs are met.
		<i>EPA will make training and technical assistance available to the State and will work toward improving the capability to provide high quality training and technical assistance. Technical assistance will be made available through EPA staff, EPA research labs and EPA contractors.</i>
	<i>EPA will conduct oversight of State program activities as appropriate.</i>	Joint EOY Reports

HW I - General Program Management and Partnership		
<p>HW 3: Short Term Goal – The State and EPA will work together to determine progress in identifying and achieving environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities “under control” will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes “adequate documentation”.</p>		See “Table HW IV” below.

<p>HW II Operating Permit and Closure/Post Closure Permit Goals</p>		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2 Preserve Land		
<p>HW Operation Permit Universe Information: There is only one (1) commercial land disposal facility operating within the State; as of the end of FY10, this facility has the required permit. There are nine (9) operating commercial and non-commercial treatment / storage facilities operating in the State; as of the end of FY10, all required operating permits have been issued, but 1 unit at 1 facility (CSU) still needs to be added to that permit. Currently, there are no (0) operating combustion units within the State. As of the end of FY10, an RD&D Permit has been issued for the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP) facility to allow for construction. PCAPP is approximately 65% constructed.</p>		
Short Term Goals	Objective	Measures
<p>HW 4: Short Term Goal: Issue and maintain operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that will protect public health and environmental quality. Ensure protection of public health and the environment by inspecting facilities to determine their compliance with permit or closure</p>	<p>Operating Permit Activities. The State will demonstrate progress toward achieving operating permits (OP) program goals, objectives and activities identified in jointly developed strategies that reflect State and EPA OP priorities.</p>	<p>The Key Measure of the OP process is:</p> <ul style="list-style-type: none"> • OP200 – final determinations / renewal determinations. <p>Supporting Measures include:</p> <ul style="list-style-type: none"> • OP100 – review activities resulting in a determination or notice of deficiency; • OP240 – permit modifications; and • Emergency Permits.

HW II Operating Permit and Closure/Post Closure Permit Goals		
plan conditions.		<p>The following output is planned:</p> <p>FY11:</p> <ul style="list-style-type: none"> No (0) treatment, storage and disposal facility is anticipated to require operating permit final determination. Two (2) TSD facilities are anticipated to require permit renewals (Arvada Treatment Center and University of CO-Boulder). <p>FY12:</p> <ul style="list-style-type: none"> No (0) treatment, storage and disposal facility is anticipated to require operating permit final determination or renewal. One (1) TSD facility is anticipated to require permit renewal (Clean Harbors Deer Trail).
	Permit maintenance; permit modifications, and emergency permits will be processed as required.	Permit modifications and emergency permits will be processed as received and required.
	<i>EPA will conduct operating permit activities according to the joint permitting process described in the authorization memorandum of agreement.</i>	
	<i>EPA will provide technical assistance where requested.</i>	
<p>HW Closure Universe Information:</p> <p>There are or have been thirty-three (33) treatment/storage/disposal facilities with land disposal units on the closure track, and seventy-six (76) land disposal units at these facilities. Two (2) of the 76 land disposal units still require approved closure plans (RMA, Thoro). Seven (7) still need closure certification and agency verifications. Sixty-one (61) treatment/storage/disposal facilities have treatment or storage units on the closure track. Most of these treatment or storage units had their closure plans approved. All four (4) treatment/storage/disposal facilities with combustion units have completed the closure process.</p>		
HW 4 (cont'd) Issue operating permits	Closure Activities – The State will demonstrate progress toward achieving closure (CL) program goals.	<p>The Key Measure for closure activities is:</p> <ul style="list-style-type: none"> CL360 - Closure plan approval. CL380 - Closure verification CL370 - Closure certification

HW II Operating Permit and Closure/Post Closure Permit Goals		
		<p>The following outputs are planned:</p> <p>FY11:</p> <ul style="list-style-type: none"> • No (0) treatment / storage units will receive closure plan approval • No (0) treatment / storage units will receive closure verification • No (0) closure certifications will be approved <p>FY12:</p> <ul style="list-style-type: none"> • No (0) treatment / storage units will receive closure plan approval • No (0) treatment / storage units will receive closure verification • No (0) closure certifications will be approved.
	<i>EPA will participate in closure determinations through joint activities and providing technical assistance where requested</i>	

HW II Operating Permits and Closure/Post Closure Permit Goals		
HW Post Closure Universe Information There are Twenty-nine (29) facilities in the post-closure universe in the state as of the end of FY10. The Division has lead for all of these facilities excluding three (3) superfund sites. All required post-closure permits or other approved controls are in place.		
Short Term Goals	Objective	Measures
HW 4 (cont'd) Issue operating permits	Post-Closure Activities – The State will demonstrate program progress toward achieving post-closure (P-C) program goals, objectives and activities that reflect State and EPA P-C priorities.	The Key Measure is: <ul style="list-style-type: none">• PC200 – final post-closure permit determinations/ issuances. Post-Closure plan approvals, or other approved controls for all applicable units at facilities in the GPRA post-closure universe. Supporting measures are: <ul style="list-style-type: none">• PC300 – other final post-closure permit determinations / issuances.• PC010 – post closure permit call-ins.
		The following major outputs are planned: FY11: <ul style="list-style-type: none">• No (0) post-closure permits will be renewed• No (0) other final or other post-closure permit determinations / issuances are expected.• No (0) post-closure permit call-ins are expected. FY12: <ul style="list-style-type: none">• No (0) post-closure permits will be renewed• No (0) other final or other post-closure permit determinations / issuances are expected.• No (0) post-closure permit call-ins are expected.
	The State will update facility-specific strategies that lay out when each remaining TSDF is expected to have all post-closure controls in place.	
	<i>EPA will participate through joint activities and by providing technical assistance as requested.</i>	
HW 5: Short term Goal Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development	HW 2.1.3 Participate in Interstate Technology and Regulatory Cooperation Workgroup.	

HW II Operating Permits and Closure/Post Closure Permit Goals		
of such technologies.		
<i>EPA will conduct oversight of State operating, closure, and post-closure permitting activities.</i>		

HW III Compliance Monitoring and Enforcement Goals		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 3		
HW 6: Long Term Goal Ensure protection of public health and environment through achieving compliance of regulated facilities by implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste requirements.		
Outcome Measures: Return to compliance after enforcement is an important measure of the effectiveness for the enforcement and inspection program. Informal and formal enforcement actions issued in the reporting year are used as the basis for this measure. The measure is the percentage of compliance requirements that are met during the reporting year that they fall due. This measure is expected to be 80% or more in FY11.		
Short Term Goals	Objective	Measures
HW 6.1: Short Term Goal Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspections of treatment, storage and disposal facilities will meet the statutory requirements.	All federal, state, and local facilities will be inspected. Inspections of state and local facilities will be conducted jointly with EPA, with EPA acting as the lead in the inspections.	During FY11 and FY12, 100% of the compliance inspections required by statute will be conducted. Also, inspections projected for Table X of the MOA between EPA/Region 8 and EPA/OECA will be conducted. CDPHE will submit to EPA, by November 15 of each year, an inspection work plan for the upcoming federal fiscal year, which includes the names of TSD and LQG facilities.
	All active land disposal facilities will be inspected. All those in post-closure will be inspected every other year (every two years).	
	Ground water monitoring inspections will be conducted at active land disposal facilities that have not had such inspections in the previous two years (every three years).	
	All treatment and storage facilities will be inspected every other year (every two years).	

HW III Compliance Monitoring and Enforcement Goals		
	Other Priority Inspection Areas <ul style="list-style-type: none"> - Permit Evaders - Mineral Processors/Mining - Surface Impoundments - EPA has identified Financial Assurance through the National Program Management Guidance as a priority for FY2012. Colorado will coordinate with the Region on Financial Assurance as appropriate. 	<p>A minimum of twenty percent (20 %) of all large quantity generators (LQGs) will be inspected during each fiscal year and 100% of all LQGs will be inspected every 5 years.</p> <p>The Region commits to work with the State to identify 2 TSDFs and 6 LQGs which the Region will inspect as lead. The Region and State will attempt to identify the LQGs from the national priority sectors, illegal recyclers, electronic waste exporters, entities with violations in more than 1 state, areas of environmental justice concerns and particularly recalcitrant violators.</p>
HW 6.2: Short Term Goal Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.	High quality inspections will be conducted in accordance with national guidance to be reviewed jointly by the State and EPA in the annual assessment.	EPA EOY Report; EPA State Review Framework Evaluation
<i>EPA Region 8 will continue to implement the CERCLA Off-Site Rule (OSR). EPA will continue to coordinate closely with the state in this implementation.</i>		
HW 6.3: Short Term Goal Promote compliance of regulated facilities by ensuring that enforcement actions are timely and. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.	Informal actions will be taken as appropriate within the timeframes established in the HMWMD Enforcement Response Policy.	Compliance Advisories (informal enforcement mechanism) will be used as appropriate for the violation and consistent with the Enforcement Agreement.
	Document long- term maintenance of compliance after formal enforcement.	
	Formal enforcement actions, such as administrative orders, judicial referrals and referrals to EPA, will be taken as appropriate and within the time frames established in the MOA and the HMWMD Enforcement Response Policy.	Formal enforcement actions will include the use of compliance schedules, assessment of penalties, and escalation of enforcement action as appropriate for the violation and consistent with the HMWMD Enforcement Response Policy.
	Enforcement follow-up and other activities will be conducted in accordance with the MOA between the State and EPA / Region 8 to assure return to compliance.	Follow-up will include compliance schedules, stipulated penalties, follow-up inspections, and compliance assistance and / or escalation of enforcement responses as appropriate and consistent with the HMWMD Enforcement Response Policy.

HW III Compliance Monitoring and Enforcement Goals		
		The State and EPA will share any information that is collected regarding the environment and / or public health benefits achieved through inspection and enforcement activities.
	Other national enforcement priority areas:	No activities are planned.
<i>EPA and the State will work jointly to assure that the review of enforcement actions is timely and appropriate in accordance with the Enforcement Response Policy. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.</i>	<i>EPA will conduct mid-year and end of year file reviews to document the progress CDPHE has made on timeliness of enforcement actions and the appropriate assessment and collection of penalties, including gravity, economic benefit and multi-day penalties.</i>	The State and EPA will have regular coordination meetings to discuss the compliance and enforcement program. EPA's EOY Report and EPA's State Review Framework Evaluation will be used to judge the quality of HMWMD's Program.

HW IV Corrective Action Goals		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.3 Restore Land		
Corrective Action GPRA Universe Information: There are seventy (70) TSD facilities in Colorado subject to corrective action. Of those facilities, all have been assessed - the RFA is complete (CA050), and all have been prioritized (CA075), according to RCRAInfo.		
Short Term Goals	Objective	Measures
HW 7: Long Term Goal Clean up releases of hazardous waste that threaten the public or the environment.	Corrective Action Identification and Ranking The State will demonstrate progress toward achieving corrective action program identification ranking goals, objectives and activities that reflect State and EPA priorities.	The Key Measures for corrective action progress are: <ul style="list-style-type: none"> • CA 050 –assessment completed; • CA 070 – determination of need for RFI; and • CA 075 – corrective action universe ranking.
		The following outputs are planned: FY11 and FY12: All assessment and ranking activities have been completed; therefore, no activities are planned
	<i>EPA will provide technical assistance in identification and ranking activities as appropriate.</i>	

HW IV Corrective Action Goals			
<p>GPRA Corrective Action Universe Information: There are forty-four (44) facilities in the GPRA 2020 Corrective Action Baseline. All 44 have had the CA process started with at least a RCRA Facility Investigation (RFI) imposed (CA100) for at least one area. Thirty-seven (37) have had RFIs approved (CA200) for at least one area. Thirty-five (35) have had a remedy selected (CA400) for at least one area. Thirty (30) have had a remedy construction completed (CA550).</p>			
HW 7: Long Term Goal Clean up releases	<table border="1"> <tr> <td data-bbox="747 378 1360 927"> <p>Corrective Action Progress The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.</p> </td><td data-bbox="1360 378 1967 927"> <p>The Key Measures for Corrective Action are the following activities:</p> <ul style="list-style-type: none"> • CA100 – Initial RCRA Facility Investigation (RFI) imposed; • CA100 – Subsequent RFI imposed; • CA150 – RFI work plan approved; • CA200 – RFI approved • CA300 – Corrective Measure Study (CMS) work plan approved; • CA350 – CMS approved; • CA400 - Remedy Selection • CA500 – Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed • CA999 – Corrective Action complete </td></tr> </table>	<p>Corrective Action Progress The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.</p>	<p>The Key Measures for Corrective Action are the following activities:</p> <ul style="list-style-type: none"> • CA100 – Initial RCRA Facility Investigation (RFI) imposed; • CA100 – Subsequent RFI imposed; • CA150 – RFI work plan approved; • CA200 – RFI approved • CA300 – Corrective Measure Study (CMS) work plan approved; • CA350 – CMS approved; • CA400 - Remedy Selection • CA500 – Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed • CA999 – Corrective Action complete
<p>Corrective Action Progress The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.</p>	<p>The Key Measures for Corrective Action are the following activities:</p> <ul style="list-style-type: none"> • CA100 – Initial RCRA Facility Investigation (RFI) imposed; • CA100 – Subsequent RFI imposed; • CA150 – RFI work plan approved; • CA200 – RFI approved • CA300 – Corrective Measure Study (CMS) work plan approved; • CA350 – CMS approved; • CA400 - Remedy Selection • CA500 – Corrective Measure (CM) work plan approved; • CA550 - Corrective Measures implemented (CMI), construction completed • CA999 – Corrective Action complete 		

HW IV Corrective Action Goals		
HW 7: Long Term Goal Clean up releases	Corrective Action Progress (Cont'd)	<p>The following key outputs are planned:</p> <p>FY11:</p> <ul style="list-style-type: none"> • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • Seven (7) RFI work plans approved. • Nine (9) RFI reports approved. • Nine (9) CMS work plans approved. • Eight (8) CMS report approved. • Seven (7) remedies selected at the unit level. • No (0) remedies selected at the facility level. • Five (5) CM work plans approved. • No (0) CMI construction completed at the unit level. • Two (2) CMI construction completed at the facility level. • Five (5) corrective action completed. <p>FY12:</p> <ul style="list-style-type: none"> • No (0) initial RFIs imposed. • No (0) subsequent RFIs imposed. • Three (3) RFI work plans approved. • Three (3) RFI reports approved. • Two (2) CMS work plans approved. • Two (2) CMS report approved. • Three (3) remedies selected at the unit level. • No (0) remedies selected at the facility level. • No (0) CM work plans approved. • Two (2) CMI construction completed at the unit level. • No (0) CMI construction completed at the facility level. • One (1) corrective action completed.

HW IV Corrective Action Goals		
	<p><i>EPA will conduct corrective action activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate. Specifically EPA has assumed the lead for corrective action at two (2) facilities, both are anticipated to become a state- lead facility.</i></p>	
Stabilization Universe Information Twenty-three (23) of the forty-four (44) high-ranked CA baseline universe facilities are in the stabilization universe. That is, the stabilization measures evaluation (CA225) resulted in a finding that stabilization measures are appropriate. Stabilization measures have been imposed (CA600) at twenty-two (22) of the facilities. Stabilization construction completion (CA650) has occurred at seventeen (17) facilities.		
HW 7: Long Term Goal Clean up releases	Stabilization Activities (Interim Measures) - The State will demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be on increasing the number of facilities at which current human exposures and releases to ground water have been controlled and on facilities that are ranked as “high”.	The Key Measures are the following stabilization activities: <ul style="list-style-type: none"> • CA225 - Stabilization Measures Evaluation • CA600 - Stabilization Implemented • CA650 - Stabilization Construction completed
	Stabilization Activities (Interim Measures) Cont’d	The following stabilization outputs are planned: FY11: <ul style="list-style-type: none"> • No (0) Stabilization Measure Evaluations. • No (0) Stabilization Implemented. • No (0) Stabilization Construction completed. FY12: <ul style="list-style-type: none"> • No (0) Stabilization Measure Evaluations. • No (0) Stabilization Implemented. • No (0) Stabilization Construction completed.
	<p><i>EPA will conduct Stabilization activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate.</i></p>	
HW Indicator 2 The State will continue to evaluate the number and percentage of facilities with human exposures under control (CA725). Note: The definition of “under control” is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		

HW IV Corrective Action Goals		
GPRA Corrective Action Universe Information: There are Forty-four (44) facilities in the 2020 Corrective Action Universe. Forty (40) of these 44 are under control with regard to human exposure as of the end of FY10.		
HW 7: Long Term Goal Clean up releases	The state will work to get human exposure under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Output is the number of GPRA Baseline facilities at which human exposures are under control (CA725). The following Key Outputs are planned: FY11: <ul style="list-style-type: none"> One (1) facility is projected to achieve this environmental indicator FY12: <ul style="list-style-type: none"> No (0) facilities are projected to achieve this environmental indicator
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY11 will be 93% and at the end of FY12 will be 93%.
<i>EPA has a national goal of having human exposures controlled at 95% of the GPRA Baseline facilities by FY 2005 (HW-11-24)</i>	<i>EPA will work to get human exposures under control at EPA-lead facilities and will provide technical assistance as appropriate.</i>	
	<i>EPA will update facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.</i>	
HW Indicator 3 The State will continue to evaluate the number and percentage of facilities with ground water releases under control (CA750). Note: The definition of “under control” is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		
GPRA Corrective Action Universe Information: There are Forty-four (44) facilities in the 2020 Corrective Action Universe. Forty-Three (43) of these 44 are under control with regard to ground water releases as of the end of FY10.		

HW IV Corrective Action Goals		
HW 7: Long Term Goal Clean up releases	The state will work to get the migration of contaminated ground water under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Measure is the number of GPRA Baseline facilities at which migration of contaminated ground water are under control (CA750). The following Key Outputs are planned: FY11: <ul style="list-style-type: none">No (0) facilities are projected to achieve this environmental indicator FY12: <ul style="list-style-type: none">No (0) facilities are projected to achieve this environmental indicator
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY11 will be 98% and at the end of FY12 will be 98%.

HW V Pollution Prevention & Compliance Assistance Goals		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2 Preserve Land		
HW 9: Long Term Goal Implement a compliance assistance program that increases the compliance rate within HMWMD’s regulated communities.		
Short Term Goals	Objective	Measures
	Continue to develop and use resources for compliance assistance.	
	A routine schedule of compliance assistance seminars, workshops and training sessions will be established. Trainings provide compliance guidance to attendees.	Presentation of hazardous waste compliance assistance seminars, workshops, and/or training sessions: <ul style="list-style-type: none">Estimate 15 to 20 sessions with 1000 attendees each federal fiscal year.
	Site visits will be made to provide compliance assistance to selected individual businesses that request assistance or that are identified during routine hazardous waste inspections.	Implementation of the Generator Assistance Program (GAP).

HW V Pollution Prevention & Compliance Assistance Goals		
HW 10: Long Term Goal Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed.		
	A schedule of pollution prevention seminars, workshops and training sessions will be established. These events will often be included with compliance assistance and outreach efforts.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information with requests for EPA identification numbers.	
HW 11: Long Term Goal Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.		
	Develop and implement compliance assistance elements within the inspection and enforcement processes.	Provide direct compliance assistance in inspections: <ul style="list-style-type: none"> Estimate 20 inspections in each federal fiscal year.
	Provide pollution prevention training to hazardous waste inspectors and permit writers.	
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information with requests for EPA identification numbers.	
	Provide pollution prevention training to hazardous waste inspectors and permit writers.	
	Support and maintain the technical assistance phone system.	<ul style="list-style-type: none"> Estimate 3000 responses during each federal fiscal year.

HW V Pollution Prevention & Compliance Assistance Goals		
	Provide field assistance, consultative services, and trainings on chemical hazards for emergency response agencies as requested.	
	On the CDPHE homepage, provide updates in the hazardous waste activities and access to current compliance assistance and pollution prevention materials and documents.	<ul style="list-style-type: none"> • Maintain homepage information and track usage by Division customers • Estimate over 1,000,000 contacts during each federal fiscal year.
<i>EPA has a goal of reducing Priority Chemicals (PCs) the most persistent and bio-accumulative toxic chemicals in the hazardous waste streams.</i>	PC profiles for Colorado prepared by EPA will be used to focus waste minimization and reduction efforts including the use of SEPs and will be coordinated with those of CDPHE Pollution Prevention efforts.	Reduction of PC chemicals in wastes will be tracked using TRI and BRS data for Colorado.
<i>EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals</i>	<i>EPA will provide information to the State, as it becomes available, regarding the measurement of Priority Chemicals in the waste streams, implementation techniques and any other information regarding achieving these goals.</i>	EPA and CDPHE will continue joint evaluation of the hazardous waste generation data contained in the State Profile Report to identify opportunities to improve the overall utilization of the Profile.
<i>EPA has a goal of reducing the most persistent and bio-accumulative toxic chemicals.</i>	<i>EPA will provide information to the State, as it becomes available, regarding the measurement of PBT chemicals in the waste streams, implementation techniques and any other information regarding achieving these goals.</i>	EPA and CDPHE will continue joint evaluation of the hazardous waste generation data contained in the State Profile Report to identify opportunities to improve the overall utilization of the Profile.
<i>EPA will continue to support the environmental Compliance Assistance Center (ECAC) for all auto service businesses that request compliance assistance information. The center is based in Colorado and is available to all states.</i>		

6.8.3 Voluntary Cleanup and Re-development Program

Mission: Our goal is to respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.

Voluntary Cleanup and Re-Development Program		
EPA 2010 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.1 Promote Sustainable and Livable Communities		
VC 1: Long Term Goal Respond to the owners of as many sites as possible to facilitate redevelopment and transfer of contaminated properties, while assuring that adequate cleanup is performed for the proposed land use.		
Short Term Goals	Objective	Measures
VC 1.1 The program will efficiently review cleanup applications and insure that all approvals are protective of human health and environment.	Process 50 applications per year.	Number of applications processed.
VC 1.2 Implement MOA with EPA to enhance communication about sites and to provide assurances to the applicant via the MOA	Ensure that each site requiring coordination under the MOA, receives such coordination.	

6.8.4 State Indoor Radon Grant

Mission: The State Indoor Radon Grant is used to develop effective, efficient activities that increase the awareness of radon health risks in Colorado. Emphasis is placed on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for information about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

State Indoor Radon Grant Goals			
EPA 2010 – 2015 Strategic Plan Goal 1 Taking Action on Climate Change and Ensuring Air Quality, Objective 1.4 Reduce Unnecessary Exposure to Radiation			
RA 1: Long-term goal Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.			
Short-term goal	Objectives	Performance measures	Milestones
RA 1.1 Increase awareness, testing and mitigation of homes with elevated radon levels. Work toward adoption of more radon-resistant building codes.	Contract through the grant for products and services that improve radon awareness, testing, and mitigation in Colorado.	Number and/or percent of homes that have been mitigated for elevated radon levels.	Number of homes that have been mitigated for radon.
	Provide current information to homeowners, real estate agents, buyers, sellers, and builders about radon testing and mitigation.	Percentage of homes tested for radon.	Number of homes that have been tested for radon.
RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.	Work with volunteer municipalities and counties to adopt construction standards to reduce radon in residential, school, and public buildings.	Number of homes in each county that have been built using radon-resistant features.	Number of homes and schools built radon resistant and number of local governments adopting radon resistant new construction building codes
	<i>EPA: EPA will offer assistance in public outreach efforts, help coordinate activities of the state and the Western Regional Radon Training Center, provide support for the contracts with counties and partners that have been established and offer manpower at events.</i>		
	<i>EPA: EPA will also forward relevant information from HQ or other entities to the state. Guidance will be provided as needed on the information.</i>		

State Indoor Radon Grant Goals	
	<div>EPA: EPA will also provide support to the state in the creation of radon-related policy statements or programs such as the radon proficiency program.</div>
	<div>EPA: EPA will review annual reports submitted by the state and offer a response that assures that the work plan agreed to is being followed and goals are being met.</div>

Chapter 7 FISCAL AND GRANT CONSIDERATIONS

7.1 Introduction

The purpose of this chapter is to describe the FY 2012 allocation of available EPA resources under the CEPPA. This chapter refers only to the fiscal resources and allocations while chapters 3 through 6 describe environmental goals, objectives, environmental indicators and program performance measures. Table 7.1 provides a list of elements consolidated into the single Performance Partnership Grant (PPG).

The grant policy guidelines allow the allocation of EPA grant dollars within or across media and programs. It provides the state with more flexibility to invest some of the federal grant dollars in innovative capacity building initiatives such as sustainability, climate change, oil and gas, compliance assistance and assurance, customer service, data integration and school chemicals. The grant will also enable the state to target more federal resources to its most serious environmental problems.

7.2 Background

The National Environmental Performance Partnership System (NEPPS) allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, the U.S. Congress authorized Performance Partnership Grants (PPG). The PPG increases state flexibility in reallocation of federal environmental grants. The NEPPS allows states to receive a consolidated environmental management grant in lieu of several categorical program grants. The CDPHE was one of the first states awarded a consolidated environmental grant. Total availability of federal funds and Colorado's cost share are the same under the consolidated grant, as they would have been using categorical grants.

The EPA Guidance includes the following elements relevant to this CEPPA:

- Description of environmental goals
- Description of quantifiable environmental objectives
- Program plan of action
- Environmental results expected
- Program performance measures
- List of activities showing schedule of accomplishments
- Set of core program commitments

7.3 Revenue Sources and Resource Allocations

Resources for the environmental programs within the CDPHE come from multiple sources. These include, state general funds, cash funds from permit, license, emission fees, and various federal grants from other agencies. The CEPPA represents the total shown in Table 7.2.

The CDPHE has identified several program grants for inclusion in the FY 2012 PPG, which refers to the period from October 1, 2011 through September 30, 2012. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Table 7.1.

CDPHE is requesting an estimated \$9,017,027 million at the time of application from EPA for the FY 2012 PPG. The PPG guidance allows Colorado to incorporate other eligible grants, including competitive grants during the year if other federal resources become available (if this occurs, the PPG will be amended by CDPHE and EPA).

In the case of competitive grants, the state may develop and submit a proposal for approval by EPA Region 8 or EPA headquarters for the particular competitive grant program. For others, EPA and the state may renegotiate and revise the goals and program commitments in the current CEPPA as necessary. For each additional award made during the year, an appropriate amendment to the CEPPA will be developed to reflect and account for the additional funds and work to be conducted. Upon approval of additional funds, Colorado will submit a formal grant amendment to request additional funds in the PPG and EPA will amend the PPG award to include those funds.

Table 7.1 summarizes the allocation of PPG funds within CDPHE for environmental programs.

Table 7.2 summarizes the overall allocation of funds within the CDPHE environmental programs.

7.4 Financial Management and Reporting

The PPG guidance and regulation states that PPG recipients must maintain accounting and financial records that adequately identify the source (i.e., federal funds and match) and application of funds provided for PPG activities. Colorado maintains records that contain relevant information such as obligations, non-obligated balances, outlays, expenditures and program income. Colorado PPG funds will be tracked to the total effort or cost incurred for the PPG work, not necessarily to individual categorical sources of funding

Table 7.1 CDPHE Performance Partnership Grant Funds – Federal and State

Division	Resource	FY 2010			FY 2011			FY2012		
		EPA	STATE	TOTAL	EPA	STATE	TOTAL	EPA	STATE	TOTAL
APCD	CAA 105 - other	2,352,958	2,800,001	5,152,959	2,877,573	2,800,001	5,677,574	2,175,355	2,800,001	4,975,356
	Asbestos./TSCA	130,436	49,064	179,500	80,220	48,666	128,886	88,790	33,333	122,123
HMWMD	Hx. Waste	1,018,096	385,619	1,403,715	1,008,570	385,620	1,394,190	1,007,767	378,334	1,386,101
WQCD	CWA 106	1,787,591	670,261	2,457,852	1,898,285	670,261	2,568,546	1,842,170	670,261	2,512,431
	Dr. Water	1,375,848	516,000	1,891,848	1,362,059	516,000	1,878,059	1,358,487	510,000	1,868,487
	Gr. Water	200,000	0	200,000	200,000	0	200,000	200,000	0	200,000
	Non Pt. Src.	609,144	459,255	1,068,399	613,106	459,255	1,072,361	611,659	459,255	1,070,914
Other	Lead	180,360	57,174	237,534	278,466	56,000	334,466	279,260	56,000	335,260
	Radon	305,030	312,866	617,896	645,982	637,732	1,283,714	303,964	329,254	633,218
	Excc. Dir. Office Division of Env Health and Sust.	1,067,420	104,000	1,171,420	1,066,026	104,000	1,170,026	1,149,575	222,000	1,371,575
	Carry-Over				531,007	327,782	858,789			
TOTAL		9,026,883	5,354,240	14,381,123	10,561,294	6,005,317	16,566,611	9,017,027	5,458,438	14,475,465

Table 7.2 Funding Support for CDPHE Environmental Programs (in millions \$)

	Cash Funds & Reappropriated Funds			General Fund			Est. Federal PPG			Est. Federal Non-PPG		
	FY10	FY11	FY12	FY10	FY11	FY12	FY10	FY11	FY12	FY10	FY11	FY12
APCD	15.27	15.20	15.2	0	0	0	2.48	3.23	2.54	0.84	2.20	1.8
HMWMD	11.41	11.45	13.13	0	0	0	1.36	1.65	1.31	6.19	5.89	6.04
WQCD	5.0	5.10	5.17	2.56	2.55	2.59	3.89	4.07	4.01	9.8	12.7	10.0
Other	3.6	3.6	3.6	0	0	0	1.1	1.06	1.15	0.665	0.50	0.50

8.1 Background

Although a number of programs are delegated to the states, EPA remains responsible and accountable to the President, the Congress and the public for progress toward meeting national environmental goals and for ensuring that federal statutes are adequately enforced and federal funds are spent appropriately. EPA has the responsibility to oversee the conduct of delegated, inter-governmental programs to ensure that adequate protection is being provided across the country. In addition, EPA has the responsibility to conduct evaluations of state performance under assistance agreements (grants) to ensure that they are being utilized to achieve national goals, requirements, and mutually-agreed upon state and EPA priorities.

Oversight of state and tribal environmental program performance is a core function of the Environmental Protection Agency. Program oversight is the process by which Region 8 carries out its responsibilities for periodically assessing, ensuring and documenting that federally authorized programs are conducted by states and tribes adequately and in conformance with authorization agreements. Program oversight also encompasses continuing programs for which EPA funding is provided. Grant oversight focuses on deliverables, or action item commitments, and performance measures in grant work plans, and includes a fiduciary responsibility to ensure that grant funds are accounted for and used appropriately by recipients. EPA Region 8 has documented the oversight procedures it uses for most programs in the Regional Compendium of Standard Operating Procedures for Oversight (the Oversight Manual).

Oversight activities planned for FY 2012 are based on program performance as determined through the OECA/ECOS State Review Framework (SRF) and, for PWSS, Uniform Enforcement Oversight System (UEOS) evaluations as well as the FY 2010 end-of-year report. During 2011, an SRF review of the State RCRA, NPDES and Air enforcement program performance for FY 2010 occurred and a final report is expected to be issued by December 2011. Details regarding the oversight process for state enforcement programs can be found in the "Regional Plan for Region 8's Implementation of the SRF, UEOS and Other Oversight Activities for the CWA NPDES, CAA Stationary Sources, RCRA Subtitle C and PWSS Enforcement Programs through FY 2012 (which was included with the FY 2012 Performance Partnership Agreement Guidance to the States).

A draft State Oversight Plan for FY 2013 will be prepared by EPA and will be forwarded to CDPHE no later than May 1, 2012. CDPHE will have a reasonable time to review this draft State Oversight Plan and discuss it with, and provide comments to, EPA. EPA commits to work with CDPHE to develop a State Oversight Plan for FY 2013 that addresses CDPHE feedback, as appropriate. EPA will strive to avoid adjusting oversight conditions based on annual audits unless a significant issue is identified.

National data that will be used to support the SRF reviews are available to the regions and states through the Online Tracking Information System (OTIS) management reports and states are encouraged to periodically look at the data, ensure its accuracy and use it in managing their programs. The OTIS management reports and other information regarding the SRF are available at: <http://www.epa.gov/idea/otis/stateframework.html>.

In the Colorado Performance Partnership Agreement, program outcomes are measured by environmental indicators or markers of pollution in the environment. Indicators are such measurements as ambient air quality levels. Ultimately, indicators of such features as changes in exposure burden and/or changes in ecological conditions could be used. The major types of indicators being used in the current CEPPA include the following examples:

DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY

- Trends in environmental impacts in environmental justice areas.
- Reduction in pollution, waste, and resource use internally within CDPHE.
- Reduction in pollution through prevention activities.

AIR QUALITY

- Trends in air quality for each of the six criteria pollutants around the state.
- Trends in number of "good" days state wide based on the Air Quality Index
- Trends in urban or rural visibility monitoring where data is available
- Trends in Statewide trends in emission of Ozone precursors
- Statewide trends in emission of criteria pollutants

- Statewide trends in emissions of air toxics including Mercury

WATER QUALITY

- Percentage of stream miles meeting standards for designated uses.
- Percent of lake acres meeting applicable standards and supporting designated uses.
- Number of public water systems and populations served experiencing various types of MCL violations.

HAZARDOUS WASTE

- Hazardous waste compliance rates.
- Return to compliance after enforcement.
- Progress at Superfund sites.
- Toxic releases based on TRI report.

8.2 Federal Oversight Under the National Partnership System

Under the partnership system, greater emphasis is being placed on performance-based evaluations, differential oversight and greater participation by the state in evaluating performance and determining solutions. In doing so, the focus of oversight is on identifying and solving problems and taking action, to deliver more effective and efficient environmental protection. Such an approach necessitates a continuing strong EPA presence, a workable state-EPA relationship, and continuous dialogue and communication between EPA and the state.

Performance-based evaluations

EPA is placing greater emphasis on state performance in achieving overall program results and accomplishments and less on the completion of individual products or activities. In doing so, EPA and the state have developed clear goals, objectives and performance measures to clarify requirements and expectations and the criteria for success. This framework is found in the individual program work plans in Chapters 3 through 6. The performance measures include both outputs to be completed (activities and products) and outcomes to be achieved (results). In determining overall performance, both the measurement of outputs and outcomes is necessary in determining the level of success in accomplishing the goals and objectives. Efforts are increasing to balance the use of output and outcome measures and to focus evaluations on the effectiveness and results of the work accomplished.

Differential Oversight

At the national level, EPA is working with the states to implement a system of differential oversight in which the level of EPA oversight of state work activity corresponds to the level of the state's performance as determined during the most recent SRF evaluation process. For example, in instances of effective state performance, EPA's oversight level lessens in frequency and detail. There is greater focus on reviewing outcomes and results than the accomplishment of individual activities. In instances of less than satisfactory performance, EPA's oversight level increases and more detailed reviews of the accomplishment of activities and specific requirements may need to be conducted in order to determine and correct the cause of the problem. The differential approach to oversight is intended to provide an incentive to state programs to increase performance so that both federal and state resources can be used to address critical problems. Differential oversight should not be construed to mean that the state's and EPA's commitment to protect public health and the environment is being reduced. Maintaining a protective environmental program is a base level requirement under state and federal laws. If the findings of the SRF indicate a need for differential oversight, then EPA will make a recommended corrective action in the SRF report, and the corrective actions required will be included in the individual program work plans included in Chapters 3 through 6 of the CEPPA.

State Involvement

A system of partnership also stipulates greater state involvement in the evaluation process. The state is increasingly becoming involved in its overall program evaluation by identifying problems and solutions and working with EPA in determining its level of performance and the appropriate level of EPA oversight.

8.3 Types of Oversight

Oversight is broadly defined as the combination of activities conducted by EPA to ensure that state programs adequately meet delegation requirements and fiscal responsibilities. EPA oversight consists of a variety of approaches.

Base Program-wide Reviews

The base oversight activity will be an annual program-wide review conducted jointly by CDPHE and EPA. The major component of this review is a formal assessment of the state's performance in meeting commitments contained within the CEPPA. However, as part of EPA's oversight responsibilities, additional information on the implementation of delegation requirements may also be gathered to determine overall performance. In doing so, the state will be evaluated against requirements in delegation and other agreements, and the Core Performance Measures agreed to by EPA and the Environmental Council of the States (ECOS). Additionally, assessment of base level program performance will be guided by performance measures drafted jointly by CDPHE and EPA during 1996, which identify the key federal requirements contained in statutes, regulations, operating guidance, delegation agreements, and other agreements between CDPHE and EPA.

The intent of this review is to assess the overall performance of programs and systems. More in-depth reviews of specific activities may be conducted to examine potential or ongoing problem areas identified in the most recent SRF evaluation. Section 8.4 describes the principles of the annual review in more detail.

After-the-fact Reviews

After-the-fact reviews including, for example, reviewing completed permits, inspection reports, and enforcement actions, will occur periodically as part of EPA's oversight role. These reviews occur throughout the year to track progress on an issue identified in the previous SRF, and to ensure that delegation requirements are being met and federal statutes and regulations are being enforced. After-the-fact reviews will be the focus of EPA's ongoing oversight rather than case-by-case intervention. The number of after-the-fact reviews will be limited and will be at a level commensurate with state performance and necessary to follow-up with any issues identified in the previous SRF.

Real-time Review

These are reviews of state work products that are under development, for example, draft permits or closure plans. These reviews are only used on a selective basis to address programs with less than adequate performance or in cases where the state may request assistance or if required by national program guidance. The SRF establishes the baseline upon which off-year oversight activities of compliance and enforcement activities are developed cooperatively between the Region and the State.

8.4 Evaluation Plan: Annual Base Program-wide Review

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review. This CEPPA contains a binding set of commitments in the form of program goals and priorities and performance measures. These are found in Chapters 3 through 6. Information found in other chapters, such as priorities, roles and funding allocations, will also be used as supporting documentation in the program-wide evaluation.

Principles

The guiding principles to be followed by CDPHE and EPA in performance evaluations:

- EPA and the state will use the CEPPA as a management tool to continuously track the progress of work accomplished.
- The work plans contained within the CEPPA together act as the vehicle for expressing performance expectations under the CEPPA, forming the fundamental basis for awarding funds and annually evaluating state performance.
- The performance measures contained within the work plan matrices are the criteria, which will be used to report on and evaluate the progress of achieving the goals and objectives in the CEPPA.
- The state will implement and follow all delegation requirements, whether stated in the CEPPA or not, to ensure adequate protection of public health and the environment. Review of delegation requirements will be part of the annual evaluation.
- As much as feasible, the state and EPA should engage in joint analysis of identified problems to determine their nature, cause and the appropriate solutions.
- Throughout the project period, the state and/or EPA will immediately communicate to each other any problems or issues identified and will work together to solve them or refer them to top management.
- CDPHE and/or EPA will immediately communicate any necessary changes to the CEPPA. These changes may result from a change in priorities or incorrect assessment of work to be accomplished or new funding for additional work. The change must be sent to the EPA state program manager and approved by the appropriate EPA program.

Evaluation Process

CDPHE and EPA regional office will undertake a joint evaluation of commitments and accomplishments from the Performance Partnership Agreement at the end of the fiscal year. The evaluation will consist of the following steps:

Step 1:

At the conclusion of the federal fiscal year (September 30), both CDPHE and EPA will prepare draft reports on their work accomplished over the previous federal fiscal year. The reports will combine program and enforcement accomplishments. During preparation of the drafts, program-to-program discussions may begin on the accomplishment of the goals and objectives. CDPHE and EPA will exchange the draft reports by mid-December.

Step 2:

A. CDPHE and EPA program and enforcement managers will conduct face-to-face meetings to review their respective findings. They will discuss how to align the drafts, and report results (both positive and negative) to their respective Senior Managers.

B. During mid- to late January, there will be joint meetings of CDPHE and EPA Program Directors with the appropriate Senior Managers of the two agencies as necessary to discuss results. If there are any outstanding issues, Senior Managers will resolve them by the end of January or early February.

C. By December 31, CDPHE will produce the End-of-Year report as required by the PPG. This report will be based on staff assessments. CDPHE Programs will begin to schedule face-to-face meetings with EPA counterparts.

Evaluation follow-up

During the first quarter of the calendar year, the final End of Year Assessment report along with other reports including the SRF for RCRA Subtitle C, CAA Stationary Sources and CWA NPDES programs and the UEOS for PWSS Program will be distributed to all EPA and state managers to be used to prioritize future work efforts and track the resolution of issues identified in the SRF (UEOS for PWSS) or un-met CEPPA commitments. Changes to the CEPPA may be necessary to address new issues or priorities. Serious, ongoing performance problems may necessitate grant conditions, sanctions or other actions by EPA.

March – April - Programs conduct individual midyear reviews to check-in on progress, review and set priorities and plan for future work.

May – June – At a minimum, a program-level face-to-face meeting is held to discuss significant program issues, set joint priorities and develop plans and strategies to accomplish program objectives in the coming PPA period.